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OF THE REPUBLIC OF SOUTH AFRICA

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No. 11924

KAAPSTAD, 9 JUNIE 1989

STATE PRESIDENT'S OFFICE

No. 1185.

9 June 1989

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 70 of 1989: Income Tax Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1185.

9 Junie 1989

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 70 van 1989: Inkomstebelastingwet, 1989.

Act No. 70, 1989**INCOME TAX ACT, 1989****GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with solid line indicate insertions in existing enactments.

ACT

To fix the rates of normal tax payable by persons other than companies in respect of taxable incomes for the years of assessment ending on 28 February 1990 and 30 June 1990, and by companies in respect of taxable incomes for years of assessment ending during the period of 12 months ending on 31 March 1990; to amend the Income Tax Act, 1962; to provide that certain provisions of the said Income Tax Act, 1962, shall not apply to expenditure incurred in connection with certain films; to provide for the payment of a loan levy; to withdraw certain Government Notices; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 1 June 1989.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Rates of normal tax

1. The rates of normal tax to be levied in terms of section 5 (2) of the Income Tax Act, 1962 (Act No. 58 of 1962), hereinafter referred to as the principal Act, in respect of—

(a) the taxable income of any person other than a company for the year of assessment ending on 28 February 1990 or 30 June 1990; and

(b) the taxable income of any company for any year of assessment ending during the period of 12 months ending on 31 March 1990,

shall be as set forth in the Schedule to this Act.

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Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965, section 5 of Act 55 of 1966, section 5 of Act 95 of 1967, section 5 of Act 76 of 1968, section 6 of Act 89 of 1969, section 6 of Act 52 of 1970, section 4 of Act 88 of 1971, section 4 of Act 65 of 1973, section 4 of Act 85 of 1974, section 4 of Act 69 of 1975, section 4 of Act 103 of 1976, section 4 of Act 113 of 1977, section 3 of Act 101 of 1978, section 3 of Act 104 of 1979, section 2 of Act 104 of 1980, section 2 of Act 96 of 1981, section 3 of Act 91 of 1982, section 2 of Act 94 of 1983, section 1 of Act 30 of 1984, section 2 of Act 121 of 1984, section 2 of Act 96 of 1985, section 2 of Act 65 of 1986, section 1 of Act 108 of 1986, section 2 of Act 85 of 1987, section 2 of Act 90 of 1988 and Government Notice No. R.780 of 14 April 1989

2. Section 1 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the definition of “married person” of the following paragraph:

“(a) any male person [(other than a married woman)] who during any portion of the period in respect of which any assessment is made, was

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ALGEMENE VERDUIDELIKENDE NOTA:

I Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot vasstelling van die skale van normale belasting betaalbaar deur ander persone as maatskappy ten opsigte van belasbare inkomstes vir die jare van aanslag eindigende op 28 Februarie 1990 en 30 Junie 1990, en deur maatskappy ten opsigte van belasbare inkomstes vir jare van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1990; tot wysiging van die Inkomstebelastingwet, 1962; om te bepaal dat sekere bepalinge van genoemde Inkomstebelastingwet, 1962, nie van toepassing is nie op onkoste in verband met sekere rolprente aangegaan; om voorsiening te maak vir die betaling van 'n leningsheffing; om sekere Goewermentskennisgewings in te trek; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 1989.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:

Skale van normale belasting

1. Die skale van normale belasting wat ooreenkomsdig artikel 5 (2) van die 5 Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), hieronder die Hoofwet genoem, gehef moet word ten opsigte van—
- (a) die belasbare inkomste van 'n ander persoon as 'n maatskappy vir die jaar van aanslag eindigende op 28 Februarie 1990 of 30 Junie 1990; en
 - (b) die belasbare inkomste van 'n maatskappy vir 'n jaar van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1990,
10 is soos uiteengesit in die Bylae by hierdie Wet.

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 van Wet 15 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 5 van 20 Wet 95 van 1967, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, artikel 6 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 65 van 1973, artikel 4 van Wet 85 van 1974, artikel 4 van Wet 69 van 1975, artikel 4 van Wet 103 van 1976, artikel 4 van Wet 113 van 1977, artikel 3 van Wet 101 van 1978, artikel 3 van Wet 104 van 1979, artikel 2 van Wet 104 van 1980, artikel 2 van Wet 96 van 1981, artikel 2 van Wet 91 van 1982, artikel 2 van Wet 94 van 1983, artikel 1 van Wet 30 van 1984,
25 artikel 2 van Wet 121 van 1984, artikel 2 van Wet 96 van 1985, artikel 2 van Wet 65 van 1986, artikel 1 van Wet 108 van 1986, artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988 en Goewermentskennisgewing No. R.780 van 14 April 1989

2. Artikel 1 van die Hoofwet word hierby gewysig—
- 25 (a) deur die omskrywing van "ander diep-goudmyn" deur die volgende omskrywing te vervang:
"ander diep-goudmyn" 'n produserende goudmyn [(behalwe 'n nuwe diep-goudmyn)] ten opsigte waarvan die Staatsmyningenieur op aan-

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married and not living apart from his spouse in circumstances which [in the opinion of the Commissioner] indicate that the separation is likely to be permanent, or any person who during any portion of such period was a widower or widow; or";

- (b) by the insertion after the definition of "married person" of the following 5 definition:

"married woman' does not include a married woman who is living apart from her husband in circumstances which indicate that the separation is likely to be permanent nor, where any husband is at any time married to two or more wives, any wife other than the wife of his 10 longest subsisting marriage;"

- (c) by the deletion of the definitions of "new deep level gold mine" and "new gold mine"; and

- (d) by the substitution for the definition of "other deep level gold mine" of the 15 following definition:

"other deep level gold mine' means any producing gold mine [(other than a new deep level gold mine)] in respect of which the Government Mining Engineer has upon application made to him recognized on or before 22 May 1989 that its principal object is the mining of gold bearing ores at vertical depths exceeding [seven thousand five hundred feet] 2 286 metres from the surface and in respect of which he is satisfied, at the time the application is lodged with him, that mining at such depths has commenced or will be commenced within a period of 20 five years;".

Amendment of section 4 of Act 58 of 1962, as amended by section 6 of Act 55 of 1966, 25 section 3 of Act 96 of 1981, section 4 of Act 104 of 1979 and section 3 of Act 85 of 1987

3. Section 4 of the principal Act is hereby amended—

- (a) by the insertion of the following subsection after subsection (2):

"(2A) No person shall in any manner publish or make known to any other person (not being an officer carrying out his duties under the control, direction or supervision of the Commissioner) the contents or tenor of any instruction or communication given or made by the Commissioner or any such officer in the performance of his or their duties under this Act for or concerning the examination or investigation of the affairs of any taxpayer or class of taxpayers or the fact that such instruction or communication has been given or made, or any information concerning the tax matters of a taxpayer or class of taxpayers: Provided that the provisions of this subsection shall not be construed—

(i) as preventing any taxpayer or his representative who is or may be affected by any such examination, investigation or furnishing of information from publishing or making known information concerning his own tax matters; or

(ii) subject to the provisions of subsection (1), as in any way limiting the duties or powers of the Commissioner or any such officer; or

(iii) as preventing any person from publishing or making known anything which has been published or made known by the taxpayer or his representative as contemplated in paragraph (i) or by the Commissioner or any such officer in the exercise of his duties or powers."; and

- (b) by the substitution for subsection (3) of the following subsection:

"(3) [Every] Any person who contravenes the provisions of subsection 50 (1), [or] (1A) or (2A) shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

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- soek aan hom gerig, voor of op 22 Mei 1989 erken het dat die hoofdoel daarvan is om goudhouende erts op vertikale dieptes van meer as [seweduisend vyfhonderd voet] 2 286 meter onder die oppervlakte te ontgin, en ten opsigte waarvan hy wanneer die aansoek by hom ingedien word, oortuig is dat mynbou op sodanige dieptes 'n aanvang geneem het of binne 'n tydperk van vyf jaar 'n aanvang sal neem;";
- (b) deur paragraaf (a) van die omskrywing van "getroude persoon" deur die volgende paragraaf te vervang:
- "(a) [iemand (behalwe 'n getroude vrou)] 'n manlike persoon wat gedurende enige gedeelte van die tydperk ten opsigte waarvan 'n aanslag gemaak word, getroud was en nie apart van sy [leggenoot] gade gewoon het nie in omstandighede wat [volgens die oordeel van die Kommissaris] aandui dat die skeiding waarskynlik permanent sal wees, of iemand wat gedurende enige gedeelte van bedoelde tydperk 'n wewenaar of weduwee was; of";
- (c) deur na die omskrywing van "getroude persoon" die volgende omskrywing in te voeg:
- "'getroude vrou' nie ook 'n getroude vrou wat apart van haar man woon in omstandighede wat aandui dat die skeiding waarskynlik permanent sal wees nie en ook nie, waar 'n man te eniger tyd met twee of meer vroue getroud is, 'n vrou behalwe die vrou uit sy langbestaande huwelik nie;"; en
- (d) deur die omskrywings van "nuwe diep-goudmyn" en "nuwe goudmyn" te skrap.

25 **Wysiging van artikel 4 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 55 van 1966, artikel 3 van Wet 96 van 1981, artikel 4 van Wet 104 van 1979 en artikel 3 van Wet 85 van 1987**

3. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur die volgende subartikel na subartikel (2) in te voeg:
- "(2A) Niemand mag op enige wyse aan enige ander persoon (wat nie 'n amptenaar is wat sy pligte onder die beheer, leiding of toesig van die Kommissaris uitvoer nie) die inhoud of strekking van enige opdrag of mededeling wat die Kommissaris of so 'n amptenaar in die uitvoering van sy of hul pligte ingevalgelyke hierdie Wet vir of betreffende die nagaan of ondersoek van die sake van enige belastingpligtige of enige groep belastingpligtiges gegee of gemaak het of die feit dat so 'n opdrag of mededeling gegee of gemaak is, of enige inligting betreffende die belastingaangeleenthede van 'n belastingpligtige of groep belastingpligtiges, bekend maak of dit publiseer nie: Met dien verstande dat die bepaling van hierdie subartikel nie vertolk word nie—
- (i) asof dit 'n belastingpligtige of sy verteenwoordiger wat deur so 'n nagaan of ondersoek of voorsiening van inligting geraak is of geraak mag word, belet om inligting betreffende sy eie belastingaangeleenthede te publiseer of bekend te maak; of
- (ii) behoudens die bepaling van subartikel (1), asof dit op enige wyse die pligte of bevoegdhede van die Kommissaris of enige sodanige amptenaar beperk; of
- (iii) asof dit iemand belet om enigets te publiseer of bekend te maak wat deur die belastingpligtige of sy verteenwoordiger soos bedoel in paragraaf (i) of deur die Kommissaris of enige sodanige amptenaar by die uitoefening van sy pligte of bevoegdhede gepubliseer of bekendgemaak is; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- "(3) [Iedereen] Iemand wat die bepaling van subartikel (1), [of] (1A) of (2A) oortree, is aan 'n misdryf skuldig en by skuldig bevinding strafbaar met 'n boete van hoogstens R5 000 of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangenisstraf."

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Amendment of section 6 of Act 58 of 1962, as inserted by section 5 of Act 104 of 1980 and amended by section 5 of Act 96 of 1981, section 5 of Act 91 of 1982, section 4 of Act 94 of 1983, section 4 of Act 121 of 1984, section 3 of Act 96 of 1985, section 4 of Act 85 of 1987 and section 4 of Act 90 of 1988

4. (1) Section 6 of the principal Act is hereby amended—

- (a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) There shall be deducted from the normal tax payable by any person other than a company **[or a married woman who is liable for the payment of such tax solely by reason of the provisions of paragraph (b) of the proviso to section 7 (2)]** an amount equal to the sum of the amounts allowed to the taxpayer by way of rebates under subsections (2) and (3). ”

(2) In the case of a person other than a company, there shall, subject to the provisions of subsection (4), be allowed by way of a primary rebate—

- (a) an amount of **[R1 100]** R1 250, if such person is a married person; or
 (b) an amount of **[R750]** R850, if such person is not a married person; or
 (c) an amount of R1 075, if such person is a **married woman**. ”;

- (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“(3) In the case of a natural person other than a **married woman**, the following amounts, where applicable, shall, subject to the provisions of subsection (4), be allowed by way of secondary rebates, namely—”; ”;

- (c) by the addition to the proviso to paragraph (a) of subsection (3) of the following paragraph:

“(cc) **any child or stepchild of the taxpayer who has become liable for the payment of normal tax in respect of any year of assessment solely by reason of the provisions of section 5 (1A) shall be deemed for the purposes of this paragraph not to have become liable for the payment of normal tax in respect of such year;** ”; and

- (d) by the substitution in paragraph (f) of subsection (3) for the expression “R380”, wherever it occurs, of the expression “R1 330”. ”

(2) Subsection (1) (c) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 28 February 1989.

Amendment of section 7 of Act 58 of 1962, as amended by section 5 of Act 90 of 1962, section 8 of Act 88 of 1965, section 9 of Act 55 of 1966, section 7 of Act 94 of 1983, section 2 of Act 30 of 1984 and section 5 of Act 90 of 1988

5. Section 7 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any income **other than net remuneration as defined in paragraph 11B of the Fourth Schedule received by or accrued to a married woman married with or without community of property [and not living apart from her husband in circumstances which, in the opinion of the Commissioner, indicate that the separation is likely to be permanent]** shall be deemed for the purposes of this Act to be income accrued to her husband **[Provided that—**

- (a) where any husband is at any time married to two or more wives, the provisions of this subsection shall apply only to income received by or accrued to or in favour of the wife of his longest subsisting marriage;

- (b) the provisions of this subsection shall not apply to net remuneration (as defined in paragraph 11B of the Fourth Schedule) received by or accrued to such married woman if the employees tax required to be deducted or withheld from all such net remuneration received by or accrued to her

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Wysiging van artikel 6 van Wet 58 van 1962, soos ingevoeg deur artikel 5 van Wet 104 van 1980 en gewysig deur artikel 5 van Wet 96 van 1981, artikel 5 van Wet 91 van 1982, artikel 4 van Wet 94 van 1983, artikel 4 van Wet 121 van 1984, artikel 3 van Wet 96 van 1985, artikel 4 van Wet 85 van 1987 en artikel 4 van Wet 90 van 1988

- 5 4. (1) Artikel 6 van die Hoofwet word hierby gewysig—
 (a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:
 "(1) Daar word van die normale belasting betaalbaar deur 'n persoon behalwe 'n maatskappy [of 'n getroude vrou wat bloot as gevolg van die bepalings van paragraaf (b) van die voorbehoudsbepaling by artikel 7 (2) vir die betaling van bedoelde belasting aanspreeklik is] 'n bedrag afgetrek wat gelyk is aan die som van die bedrae wat ingevolge subartikels (2) en (3) by wyse van kortings aan die belastingpligtige toegelaat word.
 (2) In die geval van 'n ander persoon as 'n maatskappy word, behoudens die bepalings van subartikel (4), daar by wyse van 'n primêre korting toegelaat—
 (a) 'n bedrag van [R1 100] R1 250, indien bedoelde persoon 'n getroude persoon is; of
 (b) 'n bedrag van [R750] R850, indien bedoelde persoon nie 'n getroude persoon is nie; of
 (c) 'n bedrag van R1 075, indien bedoelde persoon 'n getroude vrou is.";
 (b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 "(3) In die geval van 'n natuurlike persoon behalwe 'n getroude vrou, word, behoudens die bepalings van subartikel (4), die volgende bedrae, waar hulle van toepassing is, by wyse van sekondêre kortings toegelaat, te wete—";
 (c) deur die volgende paragraaf by die voorbehoudsbepaling by paragraaf (a) van subartikel (3) te voeg:
 "(cc) 'n kind of stiefkind van die belastingpligtige wat uitsluitlik as gevolg van die bepalings van artikel 5 (1A) vir die betaling van normale belasting ten opsigte van enige jaar van aanslag aanspreeklik geword het, word by die toepassing van hierdie paragraaf geag nie aanspreeklik te geword het vir die betaling van normale belasting ten opsigte van bedoelde jaar nie"; en
 (d) deur in paragraaf (f) van subartikel (3) die uitdrukking "R380", waar dit ook al voorkom, deur die uitdrukking "R1 330" te vervang.
 (2) Subartikel (1) (c) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1989 geëindig het of eindig.
- 40 Wysiging van artikel 7 van Wet 58 van 1962, soos gewysig deur artikel 5 van Wet 90 van 1962, artikel 8 van Wet 88 van 1965, artikel 9 van Wet 55 van 1966, artikel 7 van Wet 94 van 1983, artikel 2 van Wet 30 van 1984 en artikel 5 van Wet 90 van 1988
- 5 5. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
 (2) By die toepassing van hierdie Wet word alle inkomste behalwe netto besoldiging soos in paragraaf 11B van die Vierde Bylae omskryf, ontvang deur of toegeval aan of ten gunste van 'n getroude vrou wat in of buite gemeenskap van goedere getroud is [en nie apart van haar man woon nie in omstandighede wat, volgens die oordeel van die Kommissaris, aandui dat die skeiding waarskynlik permanent sal wees] geag inkomste te wees wat aan haar man toegeval het [Met dien verstande dat—
 (a) waar 'n man te eniger tyd met twee of meer vroue getroud is, die bepalings van hierdie subartikel slegs van toepassing is op inkomste ontvang deur of toegeval aan of ten gunste van die vrou uit sy langstestaande huwelik;
 (b) die bepalings van hierdie subartikel nie van toepassing is nie op netto besoldiging (soos in paragraaf 11B van die Vierde Bylae omskryf) ontvang deur of toegeval aan bedoelde getroude vrou, indien die werknehmersbelasting wat van alle bedoelde netto besoldiging wat gedurende die jaar van aanslag deur haar ontvang is of aan haar toegeval het, afgetrek of weerhou

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during the year of assessment consisted solely of amounts of Standard Income Tax on Employees determinable under the said paragraph].”.

Insertion of section 8E in Act 58 of 1962

6. The following section is hereby inserted in the principal Act after section 8D:

“Dividends on certain shares deemed to be interest in relation to the recipient thereof 5

8E. (1) For the purposes of this section—

‘affected instrument’ means—

- (a) any redeemable preference share which the relevant company is obliged to redeem in whole or in part within a period of three years from the date of issue thereof, or which may at the option of the holder be redeemed in whole or in part within the said period, or in respect of which the holder has a right of acquisition which may be exercised within the said period; or
- (b) any other share, if—
 - (i) the holder has a right of acquisition in respect of such share which may be exercised within a period of three years from the date of issue thereof; and
 - (ii) such share does not rank *pari passu* as regards its participation in dividends with all other ordinary shares in the capital of the relevant company or, where the ordinary shares in such company are divided into two or more classes, with the shares of at least one of such classes, or any dividend payable on such share is to be calculated with reference to any specified rate of interest or is otherwise to be calculated having regard to the amount of capital subscribed for such share;

‘effective date’ means 23 March 1989;

‘right of acquisition’ means a right which the holder of an affected instrument has to require any party—

- (a) to acquire such affected instrument from such holder; or
- (b) to procure, facilitate or assist with the redemption in whole or in part of such affected instrument or the repayment in whole or in part of the capital subscribed for such affected instrument or the conversion of such affected instrument into any other share which is redeemable in whole or in part within a period of three years from the date of issue thereof.

(2) Subject to the provisions of subsections (3) and (4), any dividend declared by a company on an affected instrument shall for the purposes of this Act be deemed in relation to the recipient thereof only to be an amount of interest received by him from a source within the Republic.

(3) The provisions of subsection (2) shall apply—

- (a) to any dividend declared on an affected instrument issued on or after the effective date; and
- (b) in the case of any affected instrument issued before the effective date, to any dividend declared after the earliest date (being a date falling on or after the effective date) upon which, having regard to the terms attaching to such instrument as at the effective date or to the terms as at the effective date of any agreement relating to the holding of such instrument (including an agreement which confers a right of acquisition), such instrument—
 - (i) became or would have become redeemable or repayable;
 - (ii) could at the instance of the holder have been redeemed or repaid;

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moes word uitsluitlik uit bedrae aan Standaard Inkomstebelasting op Werknemers bestaan het wat ingevolge genoemde paragraaf vasgestel moes word].”.

Invoeging van artikel 8E in Wet 58 van 1962

5 6. Die volgende artikel word hierby in die Hoofwet na artikel 8D ingevoeg:

“Dividende op sekere aandeel geag rente met betrekking tot die ontvanger daarvan te wees

8E. (1) By die toepassing van hierdie artikel beteken—

‘effektiewe datum’ 23 Maart 1989;

‘geaffekteerde stuk’—

(a) ‘n aflosbare voorkeuraandeel wat die betrokke maatskappy verplig is om binne ’n tydperk van drie jaar vanaf die datum van uitreiking daarvan in die geheel of gedeeltelik af te los, of wat na die keuse van die houer binne genoemde tydperk in die geheel of gedeeltelik afgelos kan word, of ten opsigte waarvan die houer ’n verkrygingsreg het wat binne genoemde tydperk uitgeoefen kan word; of

(b) ‘n ander aandeel, indien—

(i) die houer ’n verkrygingsreg ten opsigte van bedoelde aandeel het wat binne ’n tydperk van drie jaar vanaf die datum van uitreiking daarvan uitgeoefen kan word; en

(ii) bedoelde aandeel nie in gelyke mate staan nie wat betref sy aandeel in dividende met alle ander gewone aandele in die kapitaal van die betrokke maatskappy of, waar die gewone aandele in bedoelde maatskappy in twee of meer klasse van aandele verdeel is, met die aandele in ten minste een van bedoelde klasse, of ’n dividend betaalbaar op bedoelde aandeel bereken moet word met verwysing na ’n gespesifieerde rentekoers of andersins bereken moet word met inagneming van die bedrag aan kapitaal ingeskryf op bedoelde aandeel;

‘verkrygingsreg’ ’n reg wat die houer van ’n geaffekteerde stuk het om van ’n party te vereis—

(a) om bedoelde geaffekteerde stuk van die houer te verkry; of

(b) om die aflossing, in die geheel of gedeeltelik, van bedoelde geaffekteerde stuk of die terugbetaling in die geheel of gedeeltelik van die kapitaal ingeskryf op bedoelde geaffekteerde stuk of die omskepping van bedoelde geaffekteerde stuk in ’n ander aandeel wat in die geheel of gedeeltelik binne ’n tydperk van drie jaar vanaf die datum van uitreiking daarvan aflosbaar is, te bewerkstellig, vergemaklik of ondersteun.

(2) Behoudens die bepalings van subartikels (3) en (4), word ’n dividend deur ’n maatskappy op ’n geaffekteerde stuk verklaar, by die toepassing van hierdie Wet geag met betrekking tot die ontvanger daarvan alleenlik ’n bedrag aan rente te wees wat uit ’n bron binne die Republiek deur hom ontvang is.

(3) Die bepalings van subartikel (2) is van toepassing—

(a) op ’n dividend wat verklaar word op ’n geaffekteerde stuk wat op of na die effektiewe datum uitgereik is; en

(b) in die geval van ’n geaffekteerde stuk wat voor die effektiewe datum uitgereik is, op ’n dividend wat verklaar word na die vroegste datum (synde ’n datum wat op of na die effektiewe datum val) waarop, inaggenome die voorwaardes verbonde aan bedoelde stuk soos op die effektiewe datum of die voorwaardes soos op die effektiewe datum van ’n ooreenkoms wat op die hou van bedoelde stuk betrekking het (met inbegrip van ’n ooreenkoms wat ’n verkrygingsreg verleen), bedoelde stuk—

(i) aflosbaar of terugbetaalbaar geword het of sou geword het;

(ii) op aandrang van die houer afgelos of terugbetaal kon word;

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- (iii) could at the instance of the holder have been acquired by any party by reason of the exercise of a right of acquisition; or
 (iv) being an instrument which may by the exercise of a right of acquisition be converted into any other share, could at the instance of the holder have been so converted and such other share could at the instance of the holder have been redeemed, other than any such dividend which the relevant company was in accordance with the said terms required to declare before the said earliest date.
- (4) The provisions of subsection (2) shall not apply—
 (a) where the holder of any affected instrument is for the purposes of any agreement concluded under section 108 or 109 between the Government of the Republic and the government of any other state a resident of such other state, if the rate or amount of tax which may be levied under this Act on any dividend accruing to such holder is subject to a limitation imposed under such agreement; and
 (b) to any dividend which, if such provisions were to be applied, would not be included in the taxable income of the recipient.”

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973, section 10 of Act 85 of 1974, section 8 of Act 69 of 1975, section 9 of Act 103 of 1976, section 8 of Act 113 of 1977, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, section 9 of Act 94 of 1983, section 10 of Act 121 of 1984, section 6 of Act 96 of 1985, section 7 of Act 65 of 1986, section 3 of Act 108 of 1986, section 9 of Act 85 of 1987 and section 7 of Act 90 of 1988

7. (1) Section 10 of the principal Act is hereby amended by the substitution for paragraph (b) of the second proviso to paragraph (h) of subsection (1) of the following paragraph:

“(b) a company which is incorporated, registered, managed or controlled in any neighbouring country unless the Commissioner is satisfied that such stock or security was acquired by it before that date and that on both that date and the date of receipt or accrual of such interest one or more natural persons, not ordinarily resident in the Republic, held for their own benefit all the issued shares of such company.”

(2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 November 1987.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973, section 12 of Act 85 of 1974, section 19 of Act 69 of 1975, section 9 of Act 113 of 1977, section 5 of Act 101 of 1978, section 8 of Act 104 of 1979, section 8 of Act 104 of 1980, section 9 of Act 96 of 1981, section 7 of Act 91 of 1982, section 10 of Act 94 of 1983, section 11 of Act 121 of 1984, section 10 of Act 85 of 1987 and section 8 of Act 90 of 1988

8. (1) Section 11 of the principal Act is hereby amended—

(a) by the substitution in paragraph (bB) for the words preceding the proviso of the following words:

“(bB) any finance charge [(other than any finance charge in respect of which any deduction or allowance has been or may be granted to the taxpayer under this Act in any year of assessment)] incurred by the taxpayer in

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- (iii) op aandrang van die houer deur 'n party weens die uitoefening van 'n verkrygingsreg verkry kon word; of
- (iv) synde 'n stuk wat, deur die uitoefening van 'n verkrygingsreg in 'n ander aandeel omskep kan word, op aandrang van die houer aldus omskep kon word en bedoelde ander aandeel op aandrang van die houer afgelos kon word,
behalwe so 'n dividend wat die betrokke maatskappy ooreenkomsdig genoemde voorwaardes verplig was om voor genoemde vroegste datum te verklaar.
- 10 (4) Die bepalings van subartikel (2) is nie van toepassing nie—
(a) waar die houer van 'n geaffekteerde stuk by die toepassing van 'n ooreenkoms wat kragtens artikel 108 of 109 tussen die Regering van die Republiek en die regering van 'n ander staat gesluit is, 'n inwoner van bedoelde ander staat is, indien die skaal of bedrag van belasting wat ingevolge hierdie Wet gehef kan word op 'n dividend wat aan bedoelde aandeelhouer toeval, onderworpe is aan 'n beperking wat kragtens bedoelde ooreenkoms opgelê is; en
(b) op 'n dividend wat, indien bedoelde bepalings toegepas sou word, nie in die belasbare inkomste van die ontvanger ingesluit sou word nie.”.
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Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970, artikel 7 van Wet 90 van 1972, artikel 7 van Wet 65 van 1973, artikel 10 van Wet 85 van 1974, artikel 8 van Wet 69 van 1975, artikel 9 van Wet 103 van 1976, artikel 8 van Wet 113 van 1977, artikel 4 van Wet 101 van 1978, artikel 7 van Wet 104 van 1979, artikel 7 van Wet 104 van 1980, artikel 8 van Wet 96 van 1981, artikel 6 van Wet 91 van 1982, artikel 9 van Wet 94 van 1983, artikel 10 van Wet 121 van 1984, artikel 6 van Wet 96 van 1985, artikel 7 van Wet 65 van 1986, artikel 3 van Wet 108 van 1986, artikel 9 van Wet 85 van 1987 en artikel 7 van Wet 90 van 1988

7. (1) Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (b) van die tweede voorbehoudsbepaling by paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:
- 35 “(b) 'n maatskappy wat in 'n buurstaat ingelyf, geregistreer, bestuur of beheer word tensy die Kommissaris oortuig is dat bedoelde effekte of sekuriteite voor daardie datum verkry is en dat op beide daardie datum en die datum van ontvangs of toevalling van bedoelde rente een of meer natuurlike persone, wat nie gewoonlik in die Republiek woonagtig is nie, al die uitgereikte aandele van bedoelde maatskappy vir hul eie voordeel gehou het;”.
- 40 (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 November 1987 geëindig het of eindig.

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973, artikel 12 van Wet 85 van 1974, artikel 19 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977, artikel 5 van Wet 101 van 1978, artikel 8 van Wet 104 van 1979, artikel 8 van Wet 104 van 1980, artikel 9 van Wet 96 van 1981, artikel 7 van Wet 91 van 1982, artikel 10 van Wet 94 van 1983, artikel 11 van Wet 121 van 1984, artikel 10 van Wet 85 van 1987 en artikel 8 van Wet 90 van 1988

8. (1) Artikel 11 van die Hoofwet word hierby gewysig—
55 (a) deur in paragraaf (bB) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
“(bB) enige finansieringskoste [(behalwe enige finansieringskoste ten opsigte waarvan 'n aftrekking of vermindering ingevolge hierdie Wet in 'n jaar van aanslag aan die belastingpligtige toegestaan is of mag word)] deur

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respect of the purchase or contract price owing under an agreement for the acquisition, installation, erection or construction of any machinery, plant, aircraft, implement, utensil, article or livestock used by him for the purposes of his trade, including (but not limited to) mining, shipping or farming, which deduction shall be in lieu of any deduction or allowance in respect of such finance charge which may be allowable under any other provision of this Act;"; and

- (b) by the substitution for paragraph (vii) of the proviso to paragraph (n) of the following paragraph:
- "(vii) where the taxpayer is a married woman, the amounts of R3 500, 10
R1 750 and R1 800 contemplated in items (B) and (C) of subparagraph (aa) and subparagraph (bb), respectively, shall be construed as a sum equal to one-half of the relevant amount."

(2) Subsection (1) (a) shall be deemed to have come into operation on 22 May 1989 and shall apply to any finance charge incurred in respect of any machinery, plant, 15 aircraft, implement, utensil, article or livestock acquired on or after that date.

Amendment of section 11bis of Act 58 of 1962, as inserted by section 10 of Act 90 of 1962 and amended by section 9 of Act 72 of 1963, section 13 of Act 55 of 1966, section 12 of Act 95 of 1967, section 10 of Act 76 of 1968, section 15 of Act 89 of 1969, section 11 of Act 52 of 1970, section 9 of Act 90 of 1972, section 10 of Act 65 of 1973, section 20 13 of Act 85 of 1974, section 10 of Act 69 of 1975, section 10 of Act 103 of 1976, section 10 of Act 113 of 1977, section 10 of Act 96 of 1981, section 8 of Act 91 of 1982, section 11 of Act 94 of 1983, section 12 of Act 121 of 1984, section 7 of Act 96 of 1985 and section 9 of Act 90 of 1988

9. Section 11bis of the principal Act is hereby amended by the insertion after 25 subsection (3A) of the following subsection:

"(3B) (a) For the purposes of this subsection, 'obligatory marketing expenditure' means marketing expenditure incurred by an exporter in pursuance of an obligation imposed upon him under an agreement formally and finally concluded by every party to the agreement not later than 9 March 1989, if any other party to that agreement would be entitled to claim damages, compensation or similar relief, whether in terms of the agreement or by way of action in a court of law, were the exporter to take steps to prevent the incurrance by him of such marketing expenditure.

(b) Notwithstanding the provisions of subsection (3), the marketing allowance determined in relation to marketing expenditure (other than obligatory marketing expenditure) incurred on or after 9 March 1989 shall not exceed 20 per cent of the export turnover which on or after that date has accrued to the exporter during the year of assessment.

(c) Any amount of marketing allowance determined under subsection (3) in relation to any exporter in any year of assessment which has been disallowed under the provisions of paragraph (b) shall be carried forward and be deemed to be an amount of marketing allowance determined under the said subsection in relation to such exporter in the succeeding year of assessment.".

Insertion of section 16A in Act 58 of 1962

10. The following section is hereby inserted in the principal Act after section 16:

"Deduction of expenses incurred by medical practitioners and dentists on courses or congresses outside the Republic

16A. (1) Notwithstanding the provisions of section 23 (a) and (b), there shall be allowed as a deduction (which deduction shall be in lieu of any deduction of such costs which may be allowable under any other provision of this Act) from the income of any person who is a medical

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- die belastingpligtige aangegaan ten opsigte van die koop- of kontrak-prys verskuldig ingevolge 'n ooreenkoms vir die verkryging, installasie, oprigting of konstruksie van enige masjinerie, installasie, vliegtuig, gereedskap, werktuig, artikel of lewende hawe wat vir die doeleindes van sy bedryf deur hom gebruik word, met inbegrip van (maar nie beperk nie tot) mynbou, skeepvaart of boerdery, welke aftrekking in plaas is van enige aftrekking of vermindering ten opsigte van bedoelde finansieringskoste wat ingevolge 'n ander bepaling van hierdie Wet toelaatbaar mag wees;"; en
- 10 (b) deur paragraaf (vii) van die voorbehoudsbepaling by paragraaf (n) deur die volgende paragraaf te vervang:
- "(vii) waar die belastingpligtige 'n getroude vrou is, die bedrae van R3 500, R1 750 en R1 800 beoog in onderskeidelik items (A) en (B) van subparagraaf (aa) en subparagraaf (bb), uitgelê word as 'n som gelyk aan een helfte van die betrokke bedrag."
- 15 (2) Subartikel (1) (a) word geag op 22 Mei 1989 in werking te getree het en is van toepassing op enige finansieringskoste aangegaan ten opsigte van enige masjinerie, installasie, vliegtuig, gereedskap, werktuig, artikel of lewende hawe wat op of na daardie datum verkry is.
- 20 Wysiging van artikel 11bis van Wet 58 van 1962, soos ingevoeg deur artikel 10 van Wet 90 van 1962 en gewysig deur artikel 9 van Wet 72 van 1963, artikel 13 van Wet 55 van 1966, artikel 12 van Wet 95 van 1967, artikel 10 van Wet 76 van 1968, artikel 15 van Wet 89 van 1969, artikel 11 van Wet 52 van 1970, artikel 9 van Wet 90 van 1972, artikel 10 van Wet 65 van 1973, artikel 13 van Wet 85 van 1974, artikel 10 van 25 Wet 69 van 1975, artikel 10 van Wet 103 van 1976, artikel 10 van Wet 113 van 1977, artikel 10 van Wet 96 van 1981, artikel 8 van Wet 91 van 1982, artikel 11 van Wet 94 van 1983, artikel 12 van Wet 121 van 1984, artikel 7 van Wet 96 van 1985 en artikel 9 van Wet 90 van 1988
- 30 9. Artikel 11bis van die Hoofwet word hierby gewysig deur na subartikel (3A) die volgende subartikel in te voeg:
- "(3B) (a) By die toepassing van hierdie subartikel beteken 'verpligte bemarkingskoste' bemarkingskoste deur 'n uitvoerder aangegaan ooreenkomstig 'n verpligting wat hom opgelê is ingevolge 'n ooreenkoms wat nie later nie as 9 Maart 1989 formeel en final deur elke party tot die ooreenkoms gesluit is, indien 'n ander party tot die ooreenkoms geregtig sou wees om skadevergoeding, skadeloosstelling of soortgelyke verligting te eis, hetsy kragtens die ooreenkoms of by wyse van 'n hofgeding, indien die uitvoerder stappe sou doen om die aangaan deur hom van bedoelde bemarkingskoste te vermy.
- 35 (b) Ondanks die bepalings van subartikel (3), is die bemarkingstoelae wat vasgestel word met betrekking tot bemarkingskoste (behalwe verpligte bemarkingskoste) wat op of na 9 Maart 1989 aangegaan word, nie meer nie as 20 persent van die uitvoeromset wat op of na daardie datum gedurende die jaar van aanslag aan die uitvoerder toegeval het.
- 40 (c) Enige bedrag aan bemarkingstoelae wat ingevolge subartikel (3) met betrekking tot 'n uitvoerder in 'n jaar van aanslag vasgestel is wat ingevolge die bepalings aan paragraaf (b) nie toegelaat is nie, word oorgedra en geag 'n bedrag aan bemarkingstoelae te wees wat ingevolge genoemde subartikel met betrekking tot bedoelde uitvoerder in die daaropvolgende jaar van 45 aanslag vasgestel is."
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Invoeging van artikel 16A in Wet 58 van 1962

10. Die volgende artikel word hierby in die Hoofwet na artikel 16 ingevoeg:

"Aftrekking van onkoste deur geneeshere en tandartse aangegaan op kursusse of kongresse buite die Republiek

- 55 16A. (1) Ondanks die bepalings van artikel 23 (a) en (b), word, in die geval van 'n persoon wat 'n geneesheer of tandarts is, soveel as wat die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad met die instemming van die Kommissaris mag toestaan van enige onkoste deur

practitioner or dentist, so much as the South African Medical and Dental Council with the concurrence of the Commissioner may permit of any expenditure incurred by such person in the circumstances contemplated in paragraph (b), if that Council certifies in such form as the Commissioner may require that such person—

- (a) is registered as a medical practitioner or dentist in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);
- (b) has incurred such expenditure during the year of assessment in respect of the attendance by him of any course or congress held in a country other than the Republic or any country the territory of which formerly formed part of the Republic, and that such course or congress—

- (i) has been approved by such Council and will serve as a continuous training programme which is aimed at keeping such person abreast of any development with relation to his profession and which does not lead to the obtaining of a recognized academic qualification;
- (ii) does not last longer than six consecutive weeks; and
- (iii) is directly connected with such person's profession.

(2) The provisions of subsection (1) shall be deemed to have come into operation on 1 March 1989 and shall apply to any expenditure incurred in respect of courses or congresses which commenced on or after that date.”.

Amendment of section 18 of Act 58 of 1962, as inserted by section 12 of Act 104 of 1980 and amended by section 15 of Act 96 of 1981, section 15 of Act 121 of 1984, section 11 of Act 96 of 1985 and section 14 of Act 90 of 1988

11. Section 18 of the principal Act is hereby amended by the substitution for the second proviso to subsection (1) of the following proviso:

“Provided further that where [any] the taxpayer is a married woman [is a taxpayer solely by reason of the provisions of paragraph (b) of the proviso to section 7 (2)], any such expenditure paid by such married woman shall be deemed for the purposes of this section to have been paid by her husband.”.

Substitution of section 23A of Act 58 of 1962, as inserted by section 21 of Act 121 of 1984 and amended by section 13 of Act 96 of 1985 and section 15 of Act 65 of 1986

12. The following section is hereby substituted for section 23A of the principal Act:

“Limitation of allowances granted to lessors of certain assets

23A. (1) For the purposes of this section—

(i) ‘affected asset’ means—

(a) any machinery, plant or aircraft which has been let and in respect of which the lessor is or was entitled to an allowance under section 12 or 14bis, whether in the current or a previous year of assessment, other than any such machinery, plant or aircraft let by him under an agreement of lease formally and finally signed by every party to the agreement before 15 March 1984; or

(b) any machinery, plant, implement, utensil or article which has been let and in respect of which the lessor is or was entitled to an allowance under section 12B, whether in the current or a previous year of assessment, other than any such machinery, plant, implement, utensil or article let by him under an agreement of lease formally and finally signed by every party to the agreement before 19 November 1988,

but excluding any such asset let by the lessor under an operating lease or any such asset which was during the year of assessment mainly used by him in the course of any trade carried on by him, other than the letting of any such asset; (ii)

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dié persoon aangegaan in die omstandighede in paragraaf (b) beoog, as 'n aftrekking (welke aftrekking in plaas is van enige aftrekking van bedoelde onkoste wat ingevolge 'n ander bepaling van hierdie Wet toelaatbaar mag wees) van sy inkomste toegelaat indien daardie Raad, in die vorm wat die Kommissaris vereis, sertificeer dat bedoelde persoon—

- (a) as 'n geneesheer of tandarts ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer is;
- (b) bedoelde onkoste gedurende die jaar van aanslag aangegaan het ten opsigte van die bywoning van 'n kursus of kongres gehou in 'n land behalwe die Republiek of 'n land waarvan die gebied voorheen deel van die Republiek uitgemaak het, en dat bedoelde kursus of kongres—

- (i) deur daardie Raad goedgekeur is en as 'n voortdurende opleidingsprogram dien wat daarop gemik is om bedoelde persoon op hoogte te hou van enige ontwikkeling wat met sy beroep verband hou en wat nie tot die verwerwing van 'n erkende akademiese kwalifikasie lei nie;
- (ii) nie langer as ses opeenvolgende weke duur nie; en
- (iii) direk in verband staan met die beroep van bedoelde persoon.

(2) Die bepalings van subartikel (1) word geag op 1 Maart 1989 in werking te getree het en is van toepassing op onkoste aangegaan met betrekking tot kursusse of kongresse wat op of na daardie datum 'aanvang geneem het.'.

25 Wysiging van artikel 18 van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 104 van 1980 en gewysig deur artikel 15 van Wet 96 van 1981, artikel 15 van Wet 121 van 1984, artikel 11 van Wet 96 van 1985 en artikel 14 van Wet 90 van 1988

11. Artikel 18 van die Hoofwet word hierby gewysig deur die tweede voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

30 "Met dien verstande voorts dat waar die belastingpligtige 'n getrouwe vrou [bloot omrede die bepalings van paragraaf (b) van die voorbehoudsbepaling by artikel 7 (2) 'n belastingpligtige] is, enige bedoelde onkoste deur bedoelde getrouwe vrou betaal by die toepassing van hierdie artikel geag word deur haar man betaal te gewees het."

35 Vervanging van artikel 23A van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 121 van 1984 en gewysig deur artikel 13 van Wet 96 van 1985 en artikel 15 van Wet 65 van 1986

12. Artikel 23A van die Hoofwet word hierby deur die volgende artikel vervang:

40 **"Beperking van verminderings toegestaan aan verhuurders van sekere bates**

23A. (1) By die toepassing van hierdie artikel beteken—

- (i) 'bedryfshuur' 'n huur van roerende goed deur 'n verhuurder in die gewone loop van sy besigheid (wat nie die besigheid van 'n bankier of finansier is nie) van die verhuring van bedoelde goed gesluit, indien—
 - (a) bedoelde goed deur lede van die algemene publiek vir 'n tydperk van minder as een maand gehuur kan word;
 - (b) die koste van die instandhouding van bedoelde goed en van herstelwerk daaraan wat as gevolg van normale slytasie benodig is, deur die verhuurder gedra word; en
 - (c) behoudens 'n vordering wat die verhuurder op die huurder mag hê as gevolg van die huurder se versuim om die eiendom behoorlik op te pas, die risiko van vernietiging of verlies van of ander benadeling van bedoelde goed nie deur die huurder aanvaar word nie; (ii)

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- (ii) 'operating lease' means a lease of movable property concluded by a lessor in the ordinary course of a business (not being the business of a banker or financier) of letting such property, if—
 (a) such property may be hired by members of the general public for a period of less than one month;
 (b) the cost of maintaining such property and of carrying out repairs thereto required in consequence of normal wear and tear, is borne by the lessor; and
 (c) subject to any claim that the lessor may have against the lessee by reason of the lessee's failure to take proper care of the property, the risk of destruction or loss of or other disadvantage to such property is not assumed by the lessee;
 (i)
 (iii) 'rental income' means income derived by way of rent from the letting of movable property or any machinery or plant in respect of which an allowance has been granted to the lessor under section 12 or 12B, whether in the current or any previous year of assessment.
 (iii)
 (2) Notwithstanding the provisions of sections 11 (e) and (o), 12, 12B and 14bis, the sum of the deductions which may be allowed to any taxpayer in any year of assessment under those provisions in respect of any affected assets let by him shall not exceed the taxable income (as determined before making the said deductions) derived by him during such year from rental income.
 (3) For the purposes of subsection (2), where the taxpayer is entitled to any deduction which relates to rental income and other income derived by him, an appropriate portion of such deduction shall be taken into account in the determination of the taxable income derived by him from rental income.
 (4) Any deduction which is disallowed under the provisions of subsection (2) shall be carried forward to the succeeding year of assessment and shall, subject to the provisions of this section as applicable in relation to that year, be deemed to be a deduction to which the taxpayer is entitled in that year."

Amendment of section 28 of Act 58 of 1962, as amended by section 17 of Act 90 of 1962, section 22 of Act 55 of 1966, section 24 of Act 89 of 1969, section 21 of Act 88 of 1971, section 19 of Act 65 of 1973, section 19 of Act 91 of 1982, section 22 of Act 94 of 1983, section 17 of Act 65 of 1986 and section 23 of Act 90 of 1988

13. (1) Section 28 of the principal Act is hereby amended—
 (a) by the substitution in subsection (1) for the words preceding paragraph (b) of the following words:
 "(1) Notwithstanding anything to the contrary contained in this Act the taxable income derived from the carrying on of long-term insurance business by any taxpayer who carries on such business in the Republic (whether on mutual principles or otherwise), shall be [deemed to be an amount equivalent to 70 per cent of] the sum of—
 (a) an amount determined in accordance with the formula—

$$T = I - E$$

in which formula—

- (A) 'T' represents the amount of taxable income determinable under this paragraph;
 (B) 'T' represents the gross amounts which the Commissioner is satisfied have been derived by the taxpayer during the year of

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(ii) 'geaffekteerde bate'—

- (a) enige masjinerie, installasie of vliegtuig wat verhuur is en ten opsigte waarvan die verhuurder hetsy in die lopende of 'n vorige jaar van aanslag op 'n vermindering ingevolge artikel 12 of 14bis geregtig is of was, behalwe enige bedoelde masjinerie, installasie of vliegtuig wat deur hom verhuur is ingevolge 'n huurooreenkoms wat voor 15 Maart 1984 formeel en finaal deur elke party tot die ooreenkoms onderteken is; of
- (b) enige masjinerie, installasie, gereedskap, werktuig of artikel wat verhuur is en ten opsigte waarvan die verhuurder hetsy in die lopende of 'n vorige jaar van aanslag op 'n vermindering ingevolge artikel 12B geregtig is of was, behalwe enige bedoelde masjinerie, installasie, gereedskap, werktuig of artikel wat deur hom ingevolge 'n huurooreenkoms wat voor 19 November 1988 formeel en finaal deur elke party tot die ooreenkoms onderteken is, verhuur is,
maar uitgesonderd so 'n bate wat deur die verhuurder verhuur is kragtens 'n bedryfshuur of enige bedoelde bate wat gedurende die jaar van aanslag hoofsaaklik deur hom gebruik is in die loop van enige bedryf deur hom beoefen, behalwe die verhuring van enige bedoelde bate; (i)
- (iii) 'huurinkomste' inkomste verkry by wyse van huurgeld uit die verhuring van roerende eiendom of enige masjinerie of installasie ten opsigte waarvan 'n vermindering ingevolge artikel 12 of 12B aan die verhuurder toegestaan is, hetsy in die lopende of 'n vorige jaar van aanslag. (iii)
- (2) Ondanks die bepalings van artikels 11 (e) en (o), 12, 12B en 14bis, is die som van die aftrekkings wat ingevolge daardie bepalings aan die belastingpligtige in 'n jaar van aanslag ten opsigte van enige geaffekteerde bates toegestaan kan word, nie meer nie as die belasbare inkomste (soos vasgestel voordat genoemde aftrekkings gedoen is) wat deur hom vanuit huurinkomste gedurende bedoelde jaar verkry is.
- (3) By die toepassing van subartikel (2), waar die belastingpligtige op 'n aftrekking geregtig is wat betrekking het op huurinkomste en ander inkomste wat deur hom verkry is, moet die toepaslike gedeelte van bedoelde aftrekking by die vasstelling van sy belasbare inkomste verkry vanuit huurinkomste in berekening gebring word.
- (4) Enige aftrekking wat nie ingevolge die bepalings van subartikel (2) toegestaan is nie, word oorgedra na die daaropvolgende jaar van aanslag en word, behoudens die bepalings van hierdie artikel soos van toepassing met betrekking tot daardie jaar, geag 'n aftrekking te wees waarop die belastingpligtige in daardie jaar geregtig is.”.

Wysiging van artikel 28 van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 90 van 1962, artikel 22 van Wet 55 van 1966, artikel 24 van Wet 89 van 1969, artikel

45 21 van Wet 88 van 1971, artikel 19 van Wet 65 van 1973, artikel 19 van Wet 91 van 1982, artikel 22 van Wet 94 van 1983, artikel 17 van Wet 65 van 1986 en artikel 23 van Wet 90 van 1988

13. (1) Artikel 28 van die Hoofwet word hierby gewysig—

- 50 (a) deur in subartikel (1) die woorde wat paragraaf (b) voorafgaan deur die volgende woorde te vervang:**

"(1) Ondanks enigets in hierdie Wet vervat, [word] is die belasbare inkomste uit die dryf van langtermynversekeringsbesigheid verkry deur 'n belastingpligtige wat so 'n besigheid in die Republiek dryf (hetsy volgens onderlinge beginsels of andersins), [geag 'n bedrag te wees wat gelyk is aan 70 persent van] die som van—

- (a) 'n bedrag vasgestel ooreenkomstig die formule—**

$$T = I - E$$

in welke formule—

(A) 'T' die bedrag aan belasbare inkomste voorstel wat ingevolge

hierdie paragraaf vasgestel staan te word;

(B) 'I' die bruto bedrae voorstel wat na oortuiging van die Kommisaris deur die belastingpligtige gedurende die jaar van aanslag

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assessment from the investment (including the letting of any property) of so much of his funds as are invested within or outside the Republic in respect of any long-term insurance business carried on by him in the Republic and of so much of his funds as are invested within the Republic in respect of any long-term insurance business carried on by him outside the Republic, but excluding one-third of any such amounts which have been derived by way of dividends and—

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- (i) amounts proved to the satisfaction of the Commissioner to have been derived by the taxpayer from the investment of funds attributable to any long-term insurance business carried on by him in the Republic with any pension fund or retirement annuity fund or to any long-term insurance business carried on by the taxpayer in the territory or in any country the territory of which formerly formed part of the Republic with any fund the receipts and accruals of which are exempt from tax under the provisions of section 10 (1) (dA); 10
- (ii) amounts proved to the satisfaction of the Commissioner to have been derived by the taxpayer from the investment of funds attributable to individual annuity contracts entered into by him in respect of which annuities are being paid and which are not connected with any business carried on by him in the Republic with any fund referred to in [subparagraph] item (i); 15
- (iii) interest on the loan portion of the normal tax imposed under any Income Tax Act; and 20
- (iv) amounts proved to the satisfaction of the Commissioner to have been derived by the taxpayer from the investment of funds attributable to any long-term insurance business carried on by the taxpayer in any country the territory of which formerly formed part of the Republic, if— 25
- (aa) the profit or income derived from carrying on such business, as determined under the taxation law of such country, is subject to a tax on income imposed by such country and is not relieved from such tax under any agreement in force between such country and the Republic for the avoidance of double taxation; and 30
- (bb) no tax on income is imposed by such country on amounts derived by the taxpayer from the investment of funds relating to long-term insurance business carried on by him in the Republic; and 40

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(C) 'E' represents an amount equal to 55 per cent of so much of the total of—

(i) the annual average of the expenditure proved to the satisfaction of the Commissioner to have been incurred by the taxpayer by way of selling expenses during the current and the four preceding years of assessment; and

(ii) any other expenditure proved to the satisfaction of the Commissioner to have been incurred by the taxpayer during the year of assessment in the carrying on of such business,

(other than any such expenditure which relates to amounts contemplated in items (i) to (iv) of subparagraph (B)) as remains after deducting from the said total an amount which bears to the said total the same ratio as so much of any dividends which have been excluded as contemplated in the foregoing provisions of this paragraph bears to the sum of the gross amounts contemplated in this paragraph (before the deduction of the said dividends) and paragraph (b); and"; and

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- verkry is uit die belegging (met inbegrip van die verhuur van eiendom) van soveel van sy fondse as wat binne of buite die Republiek belê is ten opsigte van langtermynversekeringsbesigheid deur hom in die Republiek gedryf en van soveel van sy fondse as wat in die Republiek belê is ten opsigte van langtermynversekeringsbesigheid deur hom buite die Republiek gedryf, maar met uitsluiting van een-derde van enige bedrae wat by wyse van dividende verkry is en van—
- (i) bedrae wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige verkry te gewees het uit die belegging van fondse afkomstig van langtermynversekeringsbesigheid deur die belastingpligtige in die Republiek met 'n pensioenfonds of 'n uittredingannuïteitsfonds gedryf of van langtermynversekeringsbesigheid deur die belastingpligtige in die gebied of in 'n land waarvan die gebied voorheen deel van die Republiek uitgemaak het, gedryf met 'n fonds waarvan die ontvangste en toevallings ingevalle die bepalings van artikel 10 (1) (dA) van belasting vrygestel is;
- (ii) bedrae wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige verkry te gewees het uit die belegging van fondse afkomstig van individuele annuïteitskontrakte deur hom aangegaan ten opsigte waarvan jaargelde betaal word en wat nie met besigheid deur hom in die Republiek gedryf met 'n in **[subparagraaf]** item (i) bedoelde fonds in verband staan nie;
- (iii) rente op die leningsgedeelte van die normale belasting ingevalle 'n Inkomstebelastingwet opgelê; en
- (iv) bedrae wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige verkry te gewees het uit die belegging van fondse afkomstig van langtermynversekeringsbesigheid deur die belastingpligtige gedryf in 'n land waarvan die gebied voorheen deel van die Republiek uitgemaak het, indien—
- (aa) die wins of inkomste wat uit die bedryf van bedoelde besigheid, soos ingevalle die belastingwet van daardie land vasgestel, onderworpe is aan 'n belasting op inkomste wat deur daardie land gehef word en nie van daardie belasting ingevalle 'n ooreenkoms vir die vermyding van dubbele belasting wat tussen daardie land en die Republiek van krag is van belasting vrygestel is nie; en
- (bb) geen belasting deur bedoelde land gehef word nie op bedrae deur die belastingpligtige uit die belegging van fondse wat betrekking het op langtermynversekeringsbesigheid wat deur hom in die Republiek gedryf word; en
- (C) 'E' 'n bedrag voorstel gelyk aan 55 persent van soveel van die totaal van—
- (i) die jaarlikse gemiddelde van die uitgawes wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige by wyse van verkoopkoste in die lopende en die voorafgaande vier jare van aanslag aangegaan te gewees het; en
- (ii) enige ander uitgawes wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige gedurende die jaar van aanslag in die bedryf van bedoelde besigheid aangegaan te gewees het,
- (behalwe enige bedoelde uitgawes wat betrekking het op bedrae in items (i) tot (iv) van subparagraaf (B) bedoel) wat oorbly nadat van genoemde totaal 'n bedrag afgetrek is wat tot genoemde totaal in dieselfde verhouding staan as die verhouding waarin soveel van enige dividende wat uitgesluit is soos in die voorgaande bepalings van hierdie paragraaf beoog, staan tot die som van die bruto bedrae beoog in hierdie paragraaf (voor die aftrekking van genoemde dividende) en paragraaf (b); en"; en

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- (b) by the insertion after subsection (1A) of the following subsection:

“(1B) Where, in any year of assessment, the amount represented by symbol ‘E’ in the formula in subsection (1) (a) exceeds the amount represented by symbol ‘I’ in that formula, the provisions of section 20 shall apply to such excess as though it were an assessed loss determined under that section.”.

- (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 April 1989.

Amendment of section 36 of Act 58 of 1962, as amended by section 12 of Act 72 of 1963, section 15 of Act 90 of 1964, section 20 of Act 88 of 1965, section 23 of Act 55 of 1966, section 16 of Act 95 of 1967, section 14 of Act 76 of 1968, section 26 of Act 89 of 1969, section 21 of Act 65 of 1973, section 28 of Act 85 of 1974, section 20 of Act 104 of 1980, section 25 of Act 94 of 1983 and section 16 of Act 96 of 1985

14. Section 36 of the principal Act is hereby amended—

- (a) by the substitution in subsection (11) for paragraph (a) of the definition of “capital expenditure” of the following paragraph:

“(a) expenditure on shaft sinking and mine equipment (other than expenditure referred to in paragraph (d)) and, in the case of a natural oil mine, the cost of laying pipelines from the mining block to the marine terminal or the local refinery, as the case may be; and”;

- (b) by the substitution for paragraph (c) of the said definition of the following paragraph:

“(c) in the case of any post-1973 gold mine [any post-1966 gold mine, any new gold mine, any new deep level gold mine], any other deep level gold mine or any natural oil mine, an amount calculated as nearly as may be in the manner prescribed for the calculation of the capital allowance provided for in section 26 (2) of the Mining Rights Act, 1967 (Act No. 20 of 1967), at the rate of 10 per cent per annum in the case of a post-1973 gold mine or any other deep level gold mine [or eight per cent per annum in the case of any post-1966 gold mine] or six per cent per annum in the case of [any new gold mine or] any natural oil mine [or five per cent per annum in the case of any new deep level gold mine] on the amount of the unredeemed balance of the aggregate of—

(i) the expenditure referred to in paragraphs (a) and (b), excluding any interest and other charges on loans referred to in paragraph

(b), if the mine is a post-1973 gold mine [a post-1966 gold mine, a new gold mine, a new deep level gold mine] or a natural oil mine, or the expenditure referred to in paragraph (a), if the mine is any other deep level gold mine;

(ii) the amount (if any) allowed to rank as capital expenditure in terms of section 37;

(iii) any expenditure incurred during any period of production on development on any reef on which at the date of such development stoping has not yet commenced; [and]

(iv) the amount calculated in terms of this paragraph up to the end of the year of assessment immediately preceding the year of assessment under charge; and

(v) the instalments of expenditure referred to in paragraph (d), if the mine is a post-1973 gold mine [a post-1966 gold mine, a new gold mine, a new deep level gold mine] or a natural oil mine, for the period from the end of the month in which the expenditure is actually incurred [or is in terms of proviso (dd) to this paragraph deemed to be incurred] up to the end of the year of assessment immediately preceding the first year of assessment in respect of which the determination of the taxable income derived from the working of such mine does not result in an assessed loss or nil, and, if the mine is any other deep level gold mine, for a period of 10 years from the commencement of the year of assessment during which the mine is recognized as any other deep level gold mine: Provided that—

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- (b) deur na subartikel (1A) die volgende subartikel in te voeg:

“(1B) Waar in 'n jaar van aanslag die bedrag wat deur die simbool 'E' in die formule in subartikel (1) (a) voorgestel word die bedrag oorskry wat deur die simbool 'I' in daardie formule voorgestel word, is die bepalings van artikel 20 op bedoelde oorskot van toepassing asof dit 'n vasgestelde verlies is wat ingevolge daardie artikel vasgestel is.”.

- 5 (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 April 1989 geëindig het of eindig.

10 **Wysiging van artikel 36 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 72 van 1963, artikel 15 van Wet 90 van 1964, artikel 20 van Wet 88 van 1965, artikel 23 van Wet 55 van 1966, artikel 16 van Wet 95 van 1967, artikel 14 van Wet 76 van 1968, artikel 26 van Wet 89 van 1969, artikel 21 van Wet 65 van 1973, artikel 28 van Wet 85 van 1974, artikel 20 van Wet 104 van 1980, artikel 25 van Wet 94 van 1983 en artikel 16 van Wet 96 van 1985**

15 14. Artikel 36 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (11) paragraaf (a) van die omskrywing van "kapitaaluitgawe" deur die volgende paragraaf te vervang:

20 “(a) uitgawe aan die boor van skagte en myntoerusting (behalwe uitgawe in paragraaf (d) bedoel) en, in die geval van 'n aardoliemyn, die koste verbonde aan die lê van pypleidings van die myngebied na die see-eindpunt of die plaaslike raffinadery, na gelang van die geval; en”;

- (b) deur paragraaf (c) van genoemde omskrywing deur die volgende paragraaf te vervang:

25 “(c) in die geval van 'n na-1973-goudmyn [**'n na-1966-goudmyn, 'n nuwe goudmyn, 'n nuwe diep-goudmyn**], 'n ander diep-goudmyn of 'n aardoliemyn, 'n bedrag bereken so na as moontlik op die wyse voorgeskryf vir die berekening van die kapitaaltoelae waarvoor in artikel 26 (2) van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), voorsiening gemaak word, teen die koers van 10 persent per jaar in die geval van 'n na-1973-goudmyn of 'n ander diep-goudmyn [**of agt persent per jaar in die geval van 'n na-1966-goudmyn**] of ses persent per jaar in die geval van [**'n nuwe goudmyn of**] 'n aardoliemyn [**of vyf persent per jaar in die geval van 'n nuwe diep-goudmyn**] op die bedrag van die ongedelgde balans van die totaal van—

30 (i) die uitgawe in paragrawe (a) en (b) bedoel, behalwe rente en ander koste op lenings in paragraaf (b) bedoel, indien die myn 'n na-1973-goudmyn [**'n na-1966-goudmyn, 'n nuwe goudmyn, 'n nuwe diep-goudmyn**] of 'n aardoliemyn is, of die in paragraaf (a) bedoelde uitgawe, indien die myn 'n ander diep-goudmyn is;

35 (ii) die bedrag, as daar is, wat ingevolge artikel 37 toegelaat word om as kapitaaluitgawe in aanmerking te kom;

40 (iii) uitgawe gedurende enige tydperk van produksie aangegaan aan ontwikkeling op 'n rif waarop daar op die datum van sodanige ontwikkeling nog nie met afbouing begin is nie; [**en**]

45 (iv) die bedrag bereken ingevolge hierdie paragraaf tot aan die einde van die jaar van aanslag wat die onderhawige jaar van aanslag onmiddellik voorafgaan; en

50 (v) die uitgawepaaiemente in paragraaf (d) bedoel, indien die myn 'n na-1973-goudmyn [**'n na-1966-goudmyn, 'n nuwe goudmyn, 'n nuwe diep-goudmyn**] of 'n aardoliemyn is, vir die tydperk vanaf die einde van die maand waarin die uitgawe werklik aangegaan word [**of kragtens voorbehoudsbepaling (dd) by hierdie paragraaf geag word aangegaan te wees**] tot die einde van die jaar van aanslag wat die eerste jaar van aanslag onmiddellik voorafgaan ten opsigte waarvan die vasstelling van die belasbare inkomste verkry uit die eksplorering van so 'n myn nie op 'n vasgestelde verlies of nul uitloop nie, en, indien die myn 'n ander diep-goudmyn is, vir 'n tydperk van 10 jaar vanaf die begin van die jaar van aanslag waartydens die myn as 'n ander diep-goudmyn erken word: Met dien verstande dat—

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- (aa) the amount under this paragraph shall not be calculated for any period during which mining operations are not carried on in accordance with the terms of the relevant lease; 5
- (bb) notwithstanding anything to the contrary in any law contained, the amount under this paragraph shall not be taken into account for the purpose of calculating the capital allowance provided for in section 26 (2) of the Mining Rights Act, 1967, or for the purpose of determining the profits of which a share is payable to the State in terms of any mining lease; 10
- (cc) the provisions of section 26 (3) and (4) of the Mining Rights Act, 1967, shall, in so far as they can be applied, apply *mutatis mutandis* for the purpose of determining the unredeemed balance of the aggregate of the amounts referred to in subparagraphs (i) to [(iv)] (v), inclusive, of this paragraph; 15
- [(dd) for the purposes of subsections (3) and (3)*bis* of this section any amount calculated under this paragraph in respect of any year of assessment shall be deemed to be capital expenditure incurred on the last day of such year of assessment;** 20
- (ee) the amount under this paragraph in respect of any new gold mine shall not be calculated in respect of any period occurring before March 1963; 20
- (ff) in the case of any such mine which becomes an assisted gold mine, no amount shall be calculated under this paragraph in respect of any year of assessment during which the mine is an assisted gold mine;] 25
- (gg) notwithstanding anything to the contrary in this paragraph, the instalment of expenditure which is in terms of paragraph (d) deemed to be payable during a year of assessment shall qualify for the calculation of the amount under this paragraph as from the first day of the year of assessment following the said year of assessment; 30
- (hh) where a change of ownership of a mining property occurs and the assets passing by such change of ownership include any asset in respect of which the provisions of paragraph (d) are applicable, so much of the effective value as relates to the asset so included shall qualify for the calculation of the amount under this paragraph as from the first day of the year of assessment following the year of assessment during which the change of ownership occurred; and"; and 35
- (c) by the addition to the said definition of the following paragraph: 40
- "(d) expenditure (excluding the cost of land, surface rights and servitudes)** the payment of which has become due on or after 1 July 1989 in respect of the acquisition, erection, construction, improvement or laying out of— 45
- (i) housing for residential occupation by the taxpayer's employees (other than housing intended for sale) and furniture for such housing;
- (ii) infrastructure in respect of residential areas developed for sale to the taxpayer's employees;
- (iii) any hospital, school, shop or similar amenity (including furniture and equipment) owned and operated by the taxpayer mainly for the use of his employees or any garage or carport for any motor vehicle referred to in subparagraph (vi); 50
- (iv) recreational buildings and facilities owned and operated by the taxpayer mainly for the use of his employees;
- (v) any railway line or system having a similar function for the transport of minerals from the mine to the nearest public transport system or outlet;
- (vi) motor vehicles intended for the private or partly private use of the taxpayer's employees: 55
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- (aa) die bedrag ingevolge hierdie paragraaf nie bereken word nie vir enige tydperk waartydens mynbou nie ooreenkomsdig die bepalings van die toepaslike huur voortgesit word nie;
- (bb) ondanks andersluidende wetsbepalings, die bedrag ingevolge hierdie paragraaf nie by die berekening van die kapitaaltoelae waarvoor in artikel 26 (2) van die Wet op Mynregte, 1967, of by die vasstelling van die winste waarvan 'n deel ooreenkomsdig 'n mynhuur aan die Staat betaalbaar is, in aanmerking geneem word nie;
- (cc) die bepalings van artikel 26 (3) en (4) van die Wet op Mynregte, 1967, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing is by die vasstelling van die ongedelde balans van die totaal van die in subparagrawe (i) tot en met [(iv)] (v) van hierdie paragraaf bedoelde bedrae;
- [(dd) by die toepassing van subartikels (3) en (3)*bis* van hierdie artikel 'n bedrag ingevolge hierdie paragraaf ten opsigte van 'n jaar van aanslag bereken, geag word kapitaaluitgawe te wees wat op die laaste dag van sodanige jaar van aanslag aangegaan is;**
- (ee) die bedrag ingevolge hierdie paragraaf ten opsigte van 'n nuwe goudmyn nie ten opsigte van 'n tydperk wat vóór 20 Maart 1963 val, bereken word nie;
- (ff) in die geval van enige bedoelde myn wat 'n ondersteunde goudmyn word, geen bedrag ingevolge hierdie paragraaf bereken word nie ten opsigte van 'n jaar van aanslag waarin die myn 'n ondersteunde goudmyn is;]
- (gg) ondanks enige andersluidende bepaling van hierdie paragraaf, die uitgawepaaiement wat ingevolge paragraaf (d) geag word gedurende 'n jaar van aanslag betaalbaar te wees, vir die berekening van die bedrag kragtens hierdie paragraaf vanaf die eerste dag van die jaar van aanslag wat op bedoelde jaar van aanslag volg, kwalificeer;
- (hh) waar 'n verandering van eiendomsreg van 'n myneindom plaasvind en die bates wat ten gevolge van daardie verandering van eiendomsreg oorgaan 'n bate insluit waarop die bepalings van paragraaf (d) van toepassing is, soveel van die effektiewe waarde as wat betrekking het op die aldus ingeslotte bate vir die berekening van die bedrag kragtens hierdie paragraaf kwalificeer vanaf die eerste dag van die jaar van aanslag wat volg op die jaar van aanslag waarin die verandering van eiendomsreg plaasgevind het; en"
- (c) deur die volgende paragraaf by genoemde omskrywing te voeg:
- "(d) uitgawe (met uitsondering van die koste van grond, oppervlakregte en serwitute) waarvan die betaling op of na 1 Julie 1989 verskuldig geword het ten opsigte van die verkryging, oprigting, konstruksie, verbetering of uitlê van—
- (i) behuising vir bewoning deur die belastingpligtige se werknemers (behalwe behuising wat vir verkoop bedoel word) en meubels vir daardie behuising;
- (ii) infrastruktuur ten opsigte van woongebiede ontwikkel vir verkoop aan die belastingpligtige se werknemers;
- (iii) enige hospitaal, skool, winkel of dergelike gerief (met inbegrip van meubels en toerusting) besit en bedryf deur die belastingpligtige vir gebruik hoofsaaklik deur sy werknemers of 'n motorhuis of -afdak vir 'n motorvoertuig bedoel in paragraaf (vi);
- (iv) ontspanningsgeboue en -fasiliteite besit en bedryf deur die belastingpligtige vir gebruik hoofsaaklik deur sy werknemers;
- (v) enige spoorlyn of middel met 'n soortgelyke werksaamheid vir die vervoer van minerale van die myn na die naaste openbare vervoerstelsel of afsetgebied;
- (vi) motorvoertuie bedoel vir private of gedeeltelik private gebruik deur die belastingpligtige se werknemers;

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Provided that—

- (aa) such expenditure shall for the purposes of this definition be deemed to be payable in ten successive equal annual instalments or, where subparagraph (vi) is applicable, five successive equal annual instalments, the first of which shall be deemed to be payable on the date on which payment of the relevant expenditure became due and the succeeding instalments on the appropriate anniversaries of that date, but if any such anniversary falls on a date after the asset to which such expenditure relates has been sold, disposed of or scrapped by the taxpayer, the instalment of such expenditure so deemed to be payable on such anniversary shall be disregarded; 5
- (bb) where it is shown to the satisfaction of the Commissioner that the life of the relevant mine will extend over a period which is shorter than the period during which the said instalments are so deemed to be payable, the Commissioner may reduce the number of instalments relating to the expenditure not yet redeemed and the amount of each such instalment shall be determined by dividing the amount of the expenditure remaining to be redeemed by the number of years in the remainder of the life of the mine; 10
- (cc) where any asset the expenditure in respect of which has qualified as capital expenditure under this paragraph is sold, disposed of or scrapped by the taxpayer during any year of assessment, an allowance shall be made in respect of that asset, equal to the amount by which the full amount of the expenditure incurred by the taxpayer in respect of that asset, as contemplated in this paragraph, exceeds the total amount of all the instalments of such expenditure which are deemed by paragraph (aa) of this proviso to be payable before the asset was sold, disposed of or scrapped, and in such case the amount of the said allowance shall be deemed to be the final instalment of the said expenditure made on the date on which the asset was sold, disposed of or scrapped;". 15
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Amendment of section 81 of Act 58 of 1962, as amended by section 27 of Act 69 of 1975**15. Section 81 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (1) for the words "twenty-one" of the expression "30"; and 35
- (b) by the addition to subsection (2) of the following proviso:
"Provided that any decision of the Commissioner in the exercise of his discretion under this subsection shall be subject to objection and appeal.". 40

Amendment of section 83 of Act 58 of 1962, as amended by section 21 of Act 90 of 1964, section 22 of Act 103 of 1976, section 15 of Act 104 of 1979 and section 19 of Act 96 of 1985**16. Section 83 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:**

- "(7) (a) Every notice of appeal shall be in writing and shall be lodged with the Commissioner within a period of 30 days after the date of the notice mentioned in section 81 (4) or, if the Commissioner has in terms of the provisions of section 106 (4) withdrawn the last-mentioned notice and sent it anew, the date of the notice so sent anew [and no such notice of appeal shall be of any force or effect whatsoever unless it is lodged within the said period]. 45
- (b) No notice of appeal shall be of any force or effect whatsoever which is not delivered at the Commissioner's office or posted to him in sufficient time to reach him on or before the last day appointed for lodging appeals, unless the Commissioner is satisfied that reasonable grounds exist for the delay in 50
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Met dien verstande dat—

- (aa) bedoelde uitgawe by die toepassing van hierdie omskrywing geag word betaalbaar te wees in tien agtereenvolgende gelyke jaarlike paaiemonte of, waar subparagraaf (vi) van toepassing is, vyf agtereenvolgende gelyke jaarlike paaiemonte, waarvan die eerste geag word betaalbaar te wees op die datum waarop betaling van die betrokke uitgawe verskuldig geword het en die daaropvolgende paaiemonte op die toepaslike verjaardae van daardie datum, maar indien so 'n verjaardag 'n datum is wat val nadat die bate waarop die uitgawe betrekking het deur die belastingpligtige verkoop, van die hand gesit of as uitgedien onttrek is, word die uitgawepaaiemont wat aldus geag word op bedoelde verjaardag betaalbaar te wees, veronagsaam;
- (bb) waar daar tot bevrediging van die Kommissaris bewys word dat die lewe van die betrokke myn oor 'n tydperk sal strek wat korter is as die tydperk waartydens bedoelde paaiemonte aldus geag word betaalbaar te wees, die Kommissaris die getal paaiemonte wat betrekking het op die uitgawe wat nie gedelg is nie kan verminder en elke sodanige paaiemont vasgestel word deur die bedrag van die uitgawe wat nog gedelg moet word deur die getal jare in die restant van die lewe van die myn te deel;
- (cc) waar 'n bate ten opsigte waarvan die uitgawe as kapitaaluitgawe kragtens hierdie paragraaf gekwalifiseer het, deur die belastingpligtige gedurende 'n jaar van aanslag verkoop, van die hand gesit of as uitgedien onttrek word, 'n vermindering toegestaan word ten opsigte van daardie bate gelyk aan die bedrag waarmee die volle bedrag van die uitgawe aangegaan deur die belastingpligtige ten opsigte van daardie bate, soos in hierdie paragraaf beoog, meer is as die totale bedrag van al die paaiemonte van daardie uitgawe wat ingevolge paragraaf (aa) van hierdie voorbehoudsbepaling geag word betaalbaar te wees voordat die bate verkoop, van die hand gesit of as uitgedien onttrek is, en in so 'n geval word die bedrag van daardie vermindering geag dié finale paaiemont van bedoelde uitgawe te wees, gemaak op die datum waarop die bate verkoop, van die hand gesit of as uitgedien onttrek is;".

Wysiging van artikel 81 van Wet 58 van 1962, soos gewysig deur artikel 27 van Wet 69 van 1975**15. Artikel 81 van die Hoofwet word hierby gewysig—**

- (a) deur in subartikel (1) die woorde "een-en-twintig" deur die uitdrukking "30" te vervang; en
- (b) deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:
"Met dien verstande dat 'n beslissing van die Kommissaris by die uitoefening van sy diskresie ingevolge hierdie subartikel, aan beswaar en appèl onderworpe is."

45 Wysiging van artikel 83 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 90 van 1964, artikel 22 van Wet 103 van 1976, artikel 15 van Wet 104 van 1979 en artikel 19 van Wet 96 van 1985**16. Artikel 83 van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:**

- 50 "(7) (a) Elke kennisgewing van appèl geskied skriftelik en word by die Kommissaris ingedien binne 'n tydperk van 30 dae na die datum van die kennisgewing in artikel 81 (4) vermeld of, indien die Kommissaris ingevolge die bepalings van artikel 106 (4) laasgenoemde kennisgewing ingetrek en opnuut gestuur het, die datum van die aldus opnuut gestuurde kennisgewing [en so 'n kennisgewing van appèl het geen uitwerking of krag hoegenaamd nie, tensy dit binne bedoelde tydperk ingedien word].
- 55 (b) Geen kennisgewing van appèl het enige uitwerking of krag hoegenaamd nie wat nie betyds by die Kommissaris se kantoor afgelewer is of per pos aan hom gestuur is om hom op of voor die laaste dag bepaal vir die indiening

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lodging the notice of appeal: Provided that any decision of the Commissioner in the exercise of his discretion under this paragraph shall be subject to objection and appeal.

(c) At any such appeal the person who made the objection shall be limited to the grounds stated in his notice of objection, unless the Commissioner agrees to the amendment of such grounds: Provided that the special court may, on good cause shown at the hearing of the appeal, permit such person to amend his notice of objection within a reasonable period, subject to such conditions with regard to postponement and costs as the court may deem fit.".

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Substitution of section 88 of Act 58 of 1962, as substituted by section 30 of Act 121 of 1984

17. (1) The following section is hereby substituted for section 88 of the principal Act:

"88. The obligation to pay and the right to receive and recover any tax chargeable under this Act shall not, unless the Commissioner so directs, be suspended by any appeal or pending the decision of a court of law under section 86 or 86A, but if any assessment is altered on appeal or in conformity with any such decision or a decision by the Commissioner to concede the appeal to the special court or such court of law a due adjustment shall be made, amounts paid in excess being refunded with interest at the prescribed rate [(but subject to the provisions of section 89*quin*)], such interest being calculated from the date proved to the satisfaction of the Commissioner to be the date on which such excess was received and amounts short-paid being recoverable with interest calculated as provided in section 89.".

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(2) Where, prior to the commencement of subsection (1), the Commissioner has in accordance with generally prevailing practice paid any interest to any taxpayer in consequence of an appeal conceded by the Commissioner, such interest shall, notwithstanding anything to the contrary contained in section 88 of the principal Act prior to the amendment thereof by subsection (1), be deemed to have been properly payable under the provisions of that section.

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Amendment of section 89*quat* of Act 58 of 1962, as inserted by section 34 of Act 121 of 1984 and substituted by section 22 of Act 65 of 1986

18. (1) Section 89*quat* of the principal Act is hereby amended by the addition to subsection (4) of the following proviso:

"Provided that where any interest is payable to the taxpayer on any amount in respect of any period in terms of the provisions of section 88, no interest shall be payable to the taxpayer in terms of the provisions of this subsection in respect of the said amount and period."

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(2) The amendment effected by subsection (1) shall be deemed to have come into operation—

- (a) in relation to any company, with effect from the commencement of years of assessment ended or ending on or after 28 February 1986; and
- (b) in relation to any person other than a company, with effect from the commencement of years of assessment ended or ending on or after 28 February 1987.

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Amendment of section 103 of Act 58 of 1962, as amended by section 14 of Act 101 of 1978 and section 37 of Act 121 of 1984

19. Section 103 of the principal Act is hereby amended by the addition of the following subsection:

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"(5) (a) Where under any transaction, operation or scheme any taxpayer has ceded his right to receive any amount of interest in exchange for any

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van appèl te bereik nie, tensy die Kommissaris oortuig is dat daar redelike gronde vir die vertraging by die indiening van die kennisgewing van appèl bestaan: Met dien verstande dat 'n beslissing van die Kommissaris by die uitoefening van sy diskresie ingevolge hierdie paragraaf, aan beswaar en appèl onderworpe is.

- 5 (c) By so 'n appèl word die persoon wat die beswaar gemaak het, beperk tot die gronde in sy kennisgewing van beswaar vermeld, tensy die Kommissaris instem tot die wysiging van sodanige gronde: Met dien verstande dat die spesiale hof, om gegrondede rede aangevoer by die verhoor van die appèl, 10 sodanige persoon kan toelaat om sy kennisgewing van beswaar binne 'n redelike tyd te wysig, onderworpe aan die voorwaardes met betrekking tot uitstel en koste wat die hof geskik ag.”.

Wysiging van artikel 88 van Wet 58 van 1962, soos vervang deur artikel 30 van Wet 121 van 1984

- 15 17. (1) Artikel 88 van die Hoofwet word hierby deur die volgende artikel vervang:
“88. Die verpligtiging om 'n belasting hefbaar ingevolge hierdie Wet te betaal, en die reg om dit te ontvang en te in word nie, tensy die Kommissaris aldus beveel, deur 'n appèl of hangende die beslissing van 'n gereghof ingevolge artikel 86 of 86A opgeskort nie, maar indien 'n aanslag op appèl of ooreenkomsdig so 'n beslissing of 'n beslissing van die Kommissaris om die appèl na die spesiale hof of bedoelde gereghof toe te gee, verander word, vind 'n behoorlike aansuiwerung plaas waarby bedrae wat te veel betaal is terugbetaal word met rente teen die voorgeskrewe koers [(maar behoudens die bepalings van artikel 89^{quin})] bereken vanaf die datum wat, na tot bevrediging van die Kommissaris bewys word, die datum is waarop die bedrae wat te veel betaal is, ontvang is, en bedrae wat te min betaal is met rente, bereken volgens voorskrif van artikel 89, verhaal kan word.”.
(2) Waar, voor die inwerkingtreding van subartikel (1), die Kommissaris ooreenkomsdig algemeen heersende praktyk rente betaal het as gevolg van die toegee van 30 'n appèl deur die Kommissaris, word bedoelde rente ondanks andersluidende bepalings in artikel 88 van die Hoofwet voor die wysiging daarvan deur subartikel (1) vervat, geag ingevolge die bepalings van daardie artikel regmatig betaalbaar te gewees het.

Wysiging van artikel 89^{quat} van Wet 58 van 1962, soos ingevoeg deur artikel 34 van Wet 121 van 1984 en vervang deur artikel 22 van Wet 65 van 1986

18. (1) Artikel 89^{quat} van die Hoofwet word hierby gewysig deur die volgende voorbehoudbepaling by subartikel (4) te voeg:
“Met dien verstande dat waar enige rente ingevolge die bepalings van artikel 88 op enige bedrag ten opsigte van enige tydperk aan die belastingpligtige betaalbaar is, geen rente ingevolge die bepalings van hierdie subartikel ten opsigte van genoemde bedrag en tydperk aan die belastingpligtige betaal word nie.”.
(2) Die wysiging deur subartikel (1) aangebring, word geag in werking te getree het—
45 (a) met betrekking tot 'n maatskappy, met ingang van die begin van jare van aanslag wat op of na 28 Februarie 1986 geëindig het of eindig; en
(b) met betrekking tot iemand behalwe 'n maatskappy, met ingang van die begin van jare van aanslag wat op of na 28 Februarie 1987 geëindig het of eindig.

50 **Wysiging van artikel 103 van Wet 58 van 1962, soos gewysig deur artikel 14 van Wet 101 van 1978 en artikel 37 van Wet 121 van 1984**

19. (1) Artikel 103 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:
“(5) (a) Waar ingevolge 'n transaksie, handeling of skema 'n belastingpligtige sy reg om 'n bedrag aan rente te ontvang, gesedeer het in ruil vir 'n bedrag

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amount of dividends, and in consequence of such cession the taxpayer's liability for normal tax, as determined before applying the provisions of this subsection, has been reduced or extinguished, the Commissioner shall determine the liability for normal tax of the taxpayer and any other party to the transaction, operation or scheme as if such cession had not been effected.

(b) Paragraph (a) shall be deemed to have come into operation on 22 December 1988 and shall apply—

- (i) to any transaction, operation or scheme concluded on or after that date; and
- (ii) to any transaction, operation or scheme concluded before that date, if the taxpayer is at liberty to terminate the operation of such transaction, operation or scheme without incurring liability for damages, compensation or similar relief.”.

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Amendment of paragraph 1 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 22 of Act 72 of 1963, section 44 of Act 89 of 1969, section 24 of Act 52 of 1970, section 37 of Act 88 of 1971, section 47 of Act 85 of 1974 and section 6 of Act 30 of 1984

20. Paragraph 1 of the Fourth Schedule to the principal Act is hereby amended by the substitution for paragraph (vi) of the definition of “remuneration” of the following paragraph:

“(vi) any amount paid or payable to any employee wholly in reimbursement of expenditure actually incurred by such employee in the course of his employment [including such payments made to meet expenditure as are referred to in section twenty-nine of this Act];”.

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Amendment of paragraph 2 of 4th Schedule to Act 58 of 1962, as amended by section 23 of Act 72 of 1963, section 29 of Act 55 of 1966, section 38 of Act 88 of 1971, section 48 of Act 85 of 1974, section 28 of Act 113 of 1977 and section 40 of Act 90 of 1988

21. Paragraph 2 of the Fourth Schedule to the principal Act is hereby amended by the deletion of the proviso to subparagraph (4).

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Amendment of paragraph 11B of 4th Schedule to Act 58 of 1962, as inserted by section 41 of Act 90 of 1988

22. Paragraph 11B of the Fourth Schedule to the principal Act is hereby amended—

(a) by the addition to the definition of “annual equivalent” of the following proviso:

“Provided that where the Commissioner has in relation to the employment of any employee issued a directive as contemplated in paragraph (c) of the definition of ‘standard employment’, he may further direct that the annual equivalent of the net remuneration derived by such employee from such standard employment be determined in such manner as the Commissioner may consider reasonable in the circumstances.”;

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(b) by the substitution for the definition of “annual tax” of the following definition:

“‘annual tax’, in relation to any amount of net remuneration, means [—

(a) where the employee is a married woman, an amount calculated at the rate of 25 per cent of so much of the annual equivalent of such net remuneration as does not exceed the sum of R20 000, less a deduction of R1 075; or

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aan dividende, en as gevolg van bedoelde sessie die belastingpligtige se aanspreeklikheid vir normale belasting, soos vasgestel voor die toepassing van die bepalings van hierdie subartikel, verminder of uitgewis is, kan die Kommissaris die aanspreeklikheid vir normale belasting van die belastingpligtige en enige ander party tot die transaksie, handeling of skema vasstel asof bedoelde sessie nie uitgevoer is nie.

- 5 (b) Paragraaf (a) word geag op 22 Desember 1988 in werking te getree het en is van toepassing—
- 10 (i) op enige transaksie, handeling of skema wat op of na daardie datum gesluit is; en
- 15 (ii) op enige transaksie, handeling of skema wat voor daardie datum gesluit is, indien dit die belastingpligtige vrystaan om die werking van bedoelde transaksie, handeling of skema te beëindig sonder om aanspreeklikheid vir skadevergoeding, skadeloosstelling of soortgelijke verligting aan te gaan.”.

Wysiging van paragraaf 1 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 22 van Wet 72 van 1963, artikel 44 van Wet 89 van 1969, artikel 24 van Wet 52 van 1970, artikel 37 van Wet 88 van 1971, artikel 47 van Wet 85 van 1974 en artikel 6 van Wet 30 van 1984

- 20 20. Paragraaf 1 van die Vierde Bylae by die Hoofwet word hierby gewysig deur paragraaf (vi) van die omskrywing van “besoldiging” deur die volgende paragraaf te vervang:
- 25 “(vi) ’n bedrag betaal of betaalbaar aan ’n werknemer geheel en al ter bestryding van onkoste werklik deur dié werknemer in die loop van sy diens aangegaan [asook betalings ter bestryding van onkoste in artikel nege-en-twintig van hierdie Wet bedoel] nie;”.

Wysiging van paragraaf 2 van 4de Bylae by Wet 58 van 1962, soos gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 28 van Wet 113 van 1977 en artikel 40 van Wet 90 van 1988

- 30 21. Paragraaf 2 van die Vierde Bylae by die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subparagraph (4) te skrap.

Wysiging van paragraaf 11B van 4de Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 41 van Wet 90 van 1988

- 35 22. Paragraaf 11B van die Vierde Bylae by die Hoofwet word hierby gewysig—
- 40 (a) deur die omskrywing van “belastingtydperk” deur die volgende omskrywing te vervang:
- 45 “belastingtydperk”, met betrekking tot ’n werknemer, ’n ononderbroke tydperk in die jaar van aanslag waartydens die werknemer binne die Republiek in standaarddiens in die diens van ’n enkele werkewer was of waartydens [besoldiging] enige jaargeld deur ’n enkele werkewer aan hom betaal is of verskuldig geword het of, waar die Kommissaris met betrekking tot die diens van ’n werknemer soos in paragraaf (c) van die omskrywing van ‘standaarddiens’ beoog, gelas het, die tydperk wat die Kommissaris in die omstandighede paslik ag: Met dien verstande dat—
- 50 (a) waar op enige datum—
- 55 [(a)] (i) ’n vrou trou, ’n belastingtydperk met betrekking tot bedoelde vrou geag word te geëindig het op die dag wat daardie datum voorafgaan; en
- 55 [(b)] (ii) ’n getrouwe vrou ’n weduwee word of skei of begin om apart van haar man te woon in omstandighede wat aandui dat die skeiding waarskynlik permanent sal wees, ’n belastingtydperk met betrekking tot bedoelde vrou geag word op daardie datum te geëindig het;

- (b) **in any other case]** an amount equal to the normal tax payable in accordance with the rates of tax fixed in respect of the relevant year of assessment under section 5 (2) of this Act or, if such rates have not been fixed on the date upon which any amount of annual tax is required to be determined, the rates of tax so fixed in respect of the preceding year of assessment, in respect of a taxable income equal to **[so much of the annual equivalent of]** such net remuneration **[as does not exceed the sum of R12 000]**, less a deduction equal to the sum of the rebates to which the employee would have been entitled under section 6 (2) and (3) had the relevant year of assessment ended on the last day of the relevant tax period;”;
- (c) by the deletion of paragraph (d) of the definition of “net remuneration”;
- (d) by the substitution for paragraph (f) of the definition of “net remuneration” of the following paragraph:
- “(f) any remuneration not derived from standard employment or by way of **[any annuity other than]** an annuity payable by a pension fund or retirement annuity fund;”;
- (e) by the insertion after the definition of “net remuneration” of the following definition:
- “‘standard employment’ means—
- (a) any employment in terms of which an employee is required to render service to any one employer for a period of at least 22 hours in every full week falling within the period of such employment: Provided that for the purposes of this paragraph no regard shall be had to—
- (i) periods of temporary absence of an employee due to leave or exceptional circumstances; or
- (ii) any temporary reduction in working hours imposed by the employer; or
- (b) any employment in terms of which an employee is not permitted by the employer to render service to any other employer; or
- (c) where any employer conducts his business in such manner that employees are regularly or frequently employed for such periods as may be required by the employer, the employment of any such employee if the Commissioner, after consultation with the employer or with any body or association representing any group of employers, so directs.”;
- (f) by the substitution for the definition of “tax period” of the following definition:
- “‘tax period’, in relation to any employee, means any unbroken period in the year of assessment during which the employee was employed in the Republic in standard employment by any one employer or during which **[remuneration]** any annuity was paid or became payable to him by any one employer or, where the Commissioner has in relation to the employment of any employee issued a directive as contemplated in paragraph (c) of the definition of ‘standard employment’, such period as the Commissioner considers appropriate in the circumstances:
- Provided that—
- (a) where on any date—
- [I(a)] (i)** a woman marries, a tax period shall in relation to such woman be deemed to have ended on the day preceding that date; and
- [I(b)] (ii)** a married woman is widowed or divorced or commences to live apart from her husband in circumstances which indicate that the separation is likely to be permanent, a tax period shall be deemed to have ended on that date;
- (b) where any employer has for the purposes of paragraph 15 applied for separate registration of branches of his undertaking, each such branch shall for the purposes of this definition be deemed to be a separate employer;”;

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- (b) waar 'n werkgever by die toepassing van paragraaf 15 aansoek gedoen het om aparte registrasie van takke van sy onderneming, elke bedoelde tak by die toepassing van hierdie omskrywing geag word 'n aparte werkgever te wees;";
- 5 (b) deur die omskrywing van "jaarlike belasting" deur die volgende omskrywing te vervang:
"jaarlike belasting", met betrekking tot 'n bedrag aan netto besoldiging,
[—
(a) waar die werknemer 'n getroude vrou is, 'n bedrag bereken teen die skaal van 25 persent van soveel van die jaarlike ekwivalent van bedoelde netto besoldiging as wat die som van R20 000 nie te bowe gaan nie, min 'n aftrekking van R1 075; of
(b) in enige ander geval] 'n bedrag gelyk aan die normale belasting betaalbaar ooreenkomsdig die skale van belasting wat ingevolge artikel 5 (2) van hierdie Wet vasgestel is of, indien bedoelde skale op die datum waarop 'n bedrag aan jaarlike belasting vasgestel moet word, nog nie vasgestel is nie, die skale van belasting aldus ten opsigte van die voorafgaande jaar van aanslag vasgestel, ten opsigte van 'n belasbare inkomste gelyk aan [soveel van die jaarlike ekwivalent van] bedoelde netto besoldiging [as wat die som van R12 000 nie te bowe gaan nie], min 'n aftrekking gelyk aan die som van die kortings waarop die werknemer ingevolge artikel 6 (2) en (3) geregtig sou gewees het indien die betrokke jaar van aanslag op die laaste dag van die betrokke belastingtydperk sou geëindig het;";
(c) deur die volgende voorbehoudsbepaling by die omskrywing van "jaarlike ekwivalent" te voeg:
"Met dien verstande dat waar die Kommissaris met betrekking tot die diens van 'n werknemer gelas het soos in paragraaf (c) van die omskrywing van 'standaarddiens' beoog, hy verder kan gelas dat die jaarlike ekwivalent van die netto besoldiging deur bedoelde werknemer uit bedoelde standaarddiens verkry, vasgestel word op die wyse wat die Kommissaris in die omstandighede billik ag.>";
(d) deur paragraaf (d) van die omskrywing van "netto besoldiging" te skrap;
(e) deur paragraaf (f) van die omskrywing van "netto besoldiging" deur die volgende paragraaf te vervang:
"(f) enige besoldiging wat nie verkry is nie uit standaarddiens of by wyse van [n jaargeld behalwe] 'n jaargeld wat deur 'n pensioenfonds of uittredingannuïteitsfonds betaalbaar is.>";
40 (f) deur na die omskrywing van "netto besoldiging" die volgende omskrywing by te voeg:
"standaarddiens"—
(a) enige diens ingevolge waarvan 'n werknemer verplig is om aan 'n enkele werkgever diens te lewer vir 'n tydperk van minstens 22 uur in elke volle week wat in die tydperk van bedoelde diens val: Met dien verstande dat by die toepassing van hierdie paragraaf geen ag geslaan word nie op—
(i) tydperke van tydelike afwesigheid van die werknemer weens verlof of buitengewone omstandighede; of
(ii) enige tydelike vermindering in werksure wat deur die werkgever opgelê word; of
50 (b) enige diens ingevolge waarvan 'n werknemer nie deur die werkgever toegelaat word om diens aan 'n ander werkgever te lewer nie; of
(c) waar 'n werkgever sy besigheid op so 'n wyse bedryf dat werknemers gereeld of herhaaldelik in diens geneem word vir die tydperke wat deur die werkgever verlang word, die diens van so 'n werknemer indien die Kommissaris, na oorlegpleging met die werkgever of 'n liggaaam of vereniging wat 'n groep werkgewers verteenwoordig, aldus gelas.";
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- (g) by the substitution for subparagraph (2) of the following subparagraph:
- “(2) Notwithstanding the provisions of paragraphs 9 and 10, the amount of employees tax required to be deducted or withheld from any net remuneration paid or payable by an employer to any employee during any tax period shall—
- (a) **[to the extent that the annual equivalent of all such net remuneration so paid or payable during the tax period does not exceed R20 000] in the case of a married woman [or R12 000 in any other case]; or**
- (b) **in any other case, to the extent that the annual equivalent of all such net remuneration so paid or payable during the tax period does not exceed R20 000, or where such net remuneration includes any annual payment (being an amount of net remuneration which in terms of the employee's service conditions or in accordance with the employer's practice is payable to the employee once annually or which is determined without reference to any period) to the extent that the sum of all such annual payments and the annual equivalent of all other net remuneration so paid or payable during the tax period does not exceed R20 000 [in the case of a married woman or R12 000 in any other case],**
- be an amount (to be known as Standard Income Tax on Employees) which shall, subject to the provisions of [subparagraph] subparagraphs (2A) and (4), be finally determined by the employer at the end of the tax period under the provisions of subparagraph (3).”;
- (h) by the insertion after subparagraph (2) of the following subparagraph:
- “(2A) Where at the end of a tax period the total amount of employees tax which has been deducted or withheld by an employer from the net remuneration paid or payable by him to an employee during such tax period exceeds or falls short of the amount of Standard Income Tax on Employees determinable under subparagraph (3) in relation to such net remuneration by an amount not exceeding R5, the said total amount of employees tax shall at the option of the employer be deemed to be the amount of Standard Income Tax on Employees determinable in relation to such net remuneration under the said subparagraph.”;
- (i) by the substitution for item (a) of subparagraph (3) of the following item:
- “(a) in the case of any net remuneration other than an annual payment referred to in subparagraph (2) [(a)] (b), be an amount equal to the annual tax determined in relation to the annual equivalent of such net remuneration (or, in the case of an employee other than a married woman, so much of such annual equivalent as does not exceed R20 000) divided by the ratio which a full year bears to the tax period; and”;
- (j) by the substitution for subitem (ii) of item (b) of subparagraph (3) of the following subitem:
- “(ii) ‘T1’ represents the annual tax determined in relation to an amount (not exceeding R20 000 in the case of a person other than a married woman [or R12 000 in any other case]) equal to the sum of all such annual payments and the annual equivalent of all other net remuneration paid or payable by the employer to the employee during the tax period;”;
- (k) by the substitution for item (a) of subparagraph (5) of the following item:
- “(a) Where at the end of any tax period the [annual equivalent of the] employees tax required to be deducted or withheld from any net remuneration paid or payable by an employer to an employee during the tax period [or, where such net remuneration includes any annual payment referred to in subparagraph (2) (b), the sum of all such annual payments and such annual equivalent, does not exceed R20 000 in the case of a married woman or R12 000 in any other case] consists solely

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- (g) deur subparagraaf (2) deur die volgende subparagraaf te vervang:
 “(2) Ondanks die bepalings van paragrawe 9 en 10, is die bedrag aan werknehmersbelasting wat afgetrek of teruggehou moet word van enige netto besoldiging wat gedurende 'n belastingtydperk deur 'n werkgewer aan 'n werknemer betaal of verskuldig word—
 (a) in die mate waarin die jaarlikse ekwivalent van alle sodanige netto besoldiging wat aldus gedurende die belastingtydperk betaal of verskuldig word nie R20 000 in die geval van 'n getroude vrou [of R12 000 in enige ander geval te bowe gaan nie]; of
 (b) in enige ander geval, in die mate waarin die jaarlikse ekwivalent van alle sodanige netto besoldiging wat aldus gedurende die belastingtydperk betaal of verskuldig word nie R20 000 te bowe gaan nie, of waar bedoelde netto besoldiging 'n jaarlikse betaling insluit (synde 'n bedrag aan netto besoldiging wat ingevolge die werknemer se diensvoorraades of ooreenkomsdig die werkgewer se praktyk eenmaal per jaar aan die werknemer betaalbaar is of wat bereken word sonder verwysing na 'n tydperk), tot die mate waarin die som van alle sodanige jaarlikse betalings en die jaarlikse ekwivalent van alle ander netto besoldiging wat aldus gedurende die belastingtydperk betaal of verskuldig word nie R20 000 [in die geval van 'n getroude vrou of R12 000 in enige ander geval] te bowe gaan nie,
 'n bedrag (Standaard Inkomstebelasting op Werknemers te heet) wat, behoudens die bepalings van subparagrawe (2A) en (4), aan die einde van die belastingtydperk ingevolge die bepalings van subparagraaf (3) finaal deur die werkgewer vasgestel word.”;
 (h) deur na subparagraaf (2) die volgende paragraaf in te voëg:
 “(2A) Waar aan die einde van 'n belastingtydperk die totale bedrag van werknehmersbelasting wat deur 'n werkgewer afgetrek of teruggehou is van die netto besoldiging wat gedurende bedoelde belastingtydperk deur hom aan 'n werknemer betaal is of verskuldig geword het, hoogstens R5 meer of minder is as die bedrag aan Standaard Inkomstebelasting op Werknemers wat ingevolge subparagraaf (3) met betrekking tot bedoelde netto besoldiging bepaalbaar is, word genoemde totale bedrag van werknehmersbelasting volgens die keuse van die werkgewer geag die bedrag aan Standaard Inkomstebelasting op Werknemers te wees wat ingevolge genoemde subparagraaf met betrekking tot bedoelde netto besoldiging bepaalbaar is.”;
 (i) deur item (a) van subparagraaf (3) deur die volgende item te vervang:
 “(a) in die geval van enige netto besoldiging behalwe 'n jaarlikse betaling in subparagraaf (2) [(a)] (b) bedoel, 'n bedrag gelyk aan die jaarlikse belasting vasgestel met betrekking tot die jaarlikse ekwivalent van bedoelde netto besoldiging (of, in die geval van 'n werknemer behalwe 'n getroude vrou, soveel van bedoelde jaarlikse ekwivalent as wat R20 000 nie te bowe gaan nie) gedeel deur die verhouding waarin 'n volle jaar tot die belastingtydperk staan; en”;
 (j) deur subitem (ii) van item (b) van subparagraaf (3) deur die volgende subitem te vervang:
 “(ii) 'T1' die jaarlikse belasting voorstel wat vasgestel is met betrekking tot 'n bedrag (wat nie R20 000 in die geval van iemand behalwe 'n getroude vrou [of R12 000 in enige ander geval] te bowe gaan nie) gelyk aan die som van alle bedoelde jaarlikse betalings en die jaarlikse ekwivalent van alle ander netto besoldiging wat in die belastingtydperk deur die werkgewer aan die werknemer betaal is of verskuldig geword het.”;
 (k) deur item (a) van subparagraaf (5) deur die volgende item te vervang:
 “(a) Waar aan die einde van 'n belastingtydperk die jaarlikse ekwivalent van die werknehmersbelasting wat afgetrek of teruggehou moet word van enige netto besoldiging wat gedurende die belastingtydperk deur 'n werkgewer aan 'n werknemer betaal is of verskuldig geword het [of, waar bedoelde netto besoldiging 'n in subparagraaf (2) (b) bedoelde jaarlikse betaling insluit, die som van alle bedoelde jaarlikse betalings en bedoelde jaarlikse ekwivalent, nie R20 000 in die geval van 'n getroude vrou of R12 000 in enige ander geval te bowe gaan nie] uitsluitlik uit 'n bedrag van Standaard Inkomstebelasting op Werk-

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of an amount of Standard Income Tax on Employees and the total amount of employees tax actually deducted or withheld by the employer from such net remuneration exceeds [the] such Standard Income Tax on Employees required to be deducted or withheld from such net remuneration, the employer shall repay to the employee the 5 amount of such excess.”; and

(l) by the deletion of subparagraph (9).

Amendment of paragraph 18 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 28 of Act 90 of 1964, section 42 of Act 88 of 1971, section 49 of Act 85 of 1974, section 19 of Act 104 of 1979, section 26 of Act 10 65 of 1986 and section 9 of Act 108 of 1986

23. Paragraph 18 of the Fourth Schedule to the principal Act is hereby amended by the substitution in subitem (i) of item (d) of subparagraph (1) for the expression “R20 000” of the expression “R25 000”.

Amendment of paragraph 1 of 7th Schedule to Act 58 of 1962, as added by section 46 15 of Act 121 of 1984 and amended by section 26 of Act 96 of 1985, Government Notice No. R.2706 of 29 November 1985, section 33 of Act 65 of 1986, Government Notice No. R.2683 of 19 December 1986, section 28 of Act 85 of 1987 and Government Notice No. R.714 of 14 April 1989

24. (1) Paragraph 1 of the Seventh Schedule to the principal Act is hereby 20 amended by the substitution in the definition of “official rate of interest” for the expression “13 per cent” of the expression “16 per cent”.

(2) Subsection (1) shall come into operation on 1 June 1989.

Amendment of paragraph 7 of 7th Schedule to Act 58 of 1962, as added by section 46 25 of Act 121 of 1984 and amended by section 30 of Act 96 of 1985, section 10 of Act 108 of 1986, section 44 of Act 90 of 1988 and Government Notice No. R.715 of 14 April 1989

25. (1) Paragraph 7 of the Seventh Schedule to the principal Act is hereby 30 amended by the substitution for item (a) of subparagraph (4) of the following item:

“(a) as respects each such month, be an amount determined in accordance with the following scale, having regard to the determined value of such vehicle and the engine capacity thereof:

Determined value	Value of private use			
	Engine capacity			
	0– 1600cc	1601– 2000cc	2001– 3000cc	Over 3000cc
0–R 20 000	R 173	R 212	R 252	R 291
R 20 001–R 25 000	R 199	R 238	R 278	R 317
R 25 001–R 30 000	R 225	R 265	R 305	R 344
R 30 001–R 35 000	R 252	R 291	R 331	R 370
R 35 001–R 40 000	R 278	R 317	R 358	R 397
R 40 001–R 45 000	R 305	R 344	R 384	R 423
R 45 001–R 50 000	R 331	R 370	R 411	R 450
R 50 001–R 60 000	R 384	R 423	R 463	R 503
R 60 001–R 70 000	R 437	R 476	R 516	R 555
R 70 001–R 80 000	R 490	R 529	R 569	R 608
R 80 001–R 90 000	R 543	R 582	R 622	R 661
R 90 001–R100 000	R 596	R 635	R 675	R 714
R100 001–R110 000	R 649	R 688	R 728	R 767
R110 001–R120 000	R 702	R 740	R 781	R 820
R120 001–R130 000	R 754	R 794	R 834	R 873
R130 001–R140 000	R 807	R 846	R 887	R 926
R140 001–R150 000	R 860	R 899	R 940	R 979

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nemers bestaan en die totale bedrag aan werknehmersbelasting wat werklik deur die werkgewer van bedoelde netto besoldiging afgetrek of teruggehou is meer is as [die] bedoelde Standaard Inkomstebelasting op Werknemers wat van bedoelde netto besoldiging afgetrek of teruggehou moet word, betaal die werkgewer dié oorskot aan die werknemer terug.”; en
 (l) deur subparagraph (9) te skrap.

Wysiging van paragraaf 18 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 28 van Wet 90 van 1964, artikel 10 42 van Wet 88 van 1971, artikel 49 van Wet 85 van 1974, artikel 19 van Wet 104 van 1979, artikel 26 van Wet 65 van 1986 en artikel 9 van Wet 108 van 1986

23. Paragraaf 18 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in subitem (i) van item (d) van subparagraph (1) die uitdrukking “R20 000” deur die uitdrukking “R25 000” te vervang.

15 Wysiging van paragraaf 1 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 26 van Wet 96 van 1985, Goewermentskennisgewing No. R.2706 van 29 November 1985, artikel 33 van Wet 65 van 1986, Goewermentskennisgewing No. R.2683 van 19 Desember 1986, artikel 28 van Wet 85 van 1987 en Goewermentskennisgewing No. R.714 van 14 April 1989

20 24. (1) Paragraaf 1 van die Sewende Bylae by die Hoofwet word hierby gewysig deur in die omskrywing van “ampelike rentekoers” die uitdrukking “13 persent” deur die uitdrukking “16 persent” te vervang.
 (2) Subartikel (1) tree op 1 Junie 1989 in werking.

25 Wysiging van paragraaf 7 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 30 van Wet 96 van 1985, artikel 10 van Wet 108 van 1986, artikel 44 van Wet 90 van 1988 en Goewermentskennisgewing No. R.715 van 14 April 1989

25. (1) Paragraaf 7 van die Sewende Bylae by die Hoofwet word hierby gewysig deur item (a) van subparagraph (4) deur die volgende item te vervang:
 30 “(a) met betrekking tot elke bedoelde maand, ’n bedrag ooreenkomstig die volgende skaal vasgestel, met inagneming van die vasgestelde waarde van bedoelde voertuig en die masjienkapasiteit daarvan:

Vasgestelde waarde	Waarde van private gebruik			
	Masjienkapasiteit			
	0– 1600cc	1601– 2000cc	2001– 3000cc	Bo 3000cc
0–R 20 000	R	R	R	R
R 20 001–R 25 000	173	212	252	291
R 25 001–R 30 000	199	238	278	317
R 30 001–R 35 000	225	265	305	344
R 35 001–R 40 000	252	291	331	370
R 40 001–R 45 000	278	317	358	397
R 45 001–R 50 000	305	344	384	423
R 50 001–R 60 000	331	370	411	450
R 60 001–R 70 000	384	423	463	503
R 70 001–R 80 000	437	476	516	555
R 80 001–R 90 000	490	529	569	608
R 90 001–R100 000	543	582	622	661
R100 001–R110 000	596	635	675	714
R110 001–R120 000	649	688	728	767
R120 001–R130 000	702	740	781	820
R130 001–R140 000	754	794	834	873
R140 001–R150 000	807	846	887	926
	860	899	940	979

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Provided that—

- (i) where the determined value of such vehicle exceeds the sum of R150 000, the value of private use for each such month shall be the amount determined for a vehicle with a determined value of R150 000 plus an amount of R53 for each completed amount of R10 000 by which such determined value exceeds R150 000; and 5
- (ii) where the employee—
 - (aa) bears the cost of all fuel used for the purposes of the private use of the vehicle (including travelling between the employee's place of residence and his place of employment), the value of private use for each such month as determined in accordance with the foregoing provisions of this subparagraph shall be reduced by an amount of [R58] R67;
 - (bb) bears the full cost of maintaining the vehicle (including the cost of repairs, servicing, lubrication and tyres), the value of private use for each such month as determined in accordance with the foregoing provisions of this subparagraph shall be reduced by an amount of [R35] R41; and". 10 15

(2) Subsection (1) shall come into operation on 1 June 1989.

**Repeal of paragraph 18 of 7th Schedule to Act 58 of 1962, as added by section 46 of 20
Act 121 of 1984**

26. Paragraph 18 of the Seventh Schedule to the principal Act is hereby repealed with effect from 1 March 1989.

**Substitution of paragraph 19 of 7th Schedule to Act 58 of 1962, as added by section 25
46 of Act 121 of 1984**

27. The following paragraph is hereby substituted for paragraph 19 of the Seventh Schedule to the principal Act:

“19. Any person who [—

(a) makes or issues or causes to be made or issued or knowingly possesses or uses or causes to be used any certificate referred to in paragraph 17 (1) 30 which is false [; or

(b) furnishes to the Commissioner a statement referred to in paragraph 18 which is false],

shall be guilty of an offence and liable on conviction to a fine not exceeding R400 or to imprisonment for a period not exceeding six months or to both such fine 35 and such imprisonment.”.

Certain provisions of the principal Act not applicable to expenditure incurred in connection with films

28. The provisions of sections 11bis and 24F of the principal Act shall not apply to expenditure incurred by any taxpayer in connection with any film (as defined in 40 subsection (1) of the said section 24F) if the taxpayer has in respect of such film qualified for any subsidy payable in terms of the A-scheme as set out in the Head: Film Industry's Circular N101/3/1 dated 15 May 1989.

Loan levy on companies

29. (1) In this section, unless the context otherwise indicates, any word or 45 expression to which a meaning has been assigned in the principal Act bears the meaning so assigned thereto, and “latest assessment”, in relation to any company, means the latest assessment of normal tax payable by such company in respect of its latest year of assessment, which has been issued by the Commissioner and posted to the company not later than 15 July 1989. 50

(2) Subject to the provisions of subsection (4), there shall be paid for the benefit of the State Revenue Fund by every company which has become liable for the payment of normal tax in terms of its latest assessment, a levy (referred to in this section as the loan levy) calculated as provided in subsection (3).

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Met dien verstande dat—

- (i) waar die vasgestelde waarde van bedoelde voertuig die som van R150 000 te bowe gaan, die waarde van private gebruik vir elke bedoelde maand die bedrag vasgestel vir 'n voertuig met 'n vasgestelde waarde van R150 000 is, plus 'n bedrag van R53 vir elke volle bedrag van R10 000 waarby bedoelde vasgestelde waarde R150 000 te bowe gaan; en
- (ii) waar die werknemer—
- (aa) die koste dra van alle brandstof gebruik vir die doeleindeste van die private gebruik van die voertuig (met inbegrip van reise tussen die werknemer se woonplek en werkplek), die waarde van private gebruik vir elke bedoelde maand, soos ingevolge die voorafgaande bepalings van hierdie subparagraaf vasgestel, verminder word met 'n bedrag van [R58] R67;
- (bb) die volle koste van die instandhouding van die voertuig dra (met inbegrip van die koste van herstelwerk, diens, smering en bande), die waarde van private gebruik vir elke bedoelde maand, soos ingevolge die voorafgaande bepalings van hierdie subparagraaf vasgestel, verminder word met 'n bedrag van [R35] R41; en".
- 20 (2) Subartikel (1) tree op 1 Junie 1989 in werking.

Herroeping van paragraaf 18 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984

26. Paragraaf 18 van die Sewende Bylae by die Hoofwet word hierby met ingang van 1 Maart 1989 herroep.

25 Vervanging van paragraaf 19 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984

27. Paragraaf 19 van die Sewende Bylae by die Hoofwet word hierby deur die volgende paragraaf vervang:

"19. Iemand wat [—

- 30 (a) 'n in paragraaf 17 (1) bedoelde sertifikaat wat vals is, gee of uitrek of laat gee of uitrek of dit wetens besit of gebruik of laat gebruik [; of
- (b) aan die Kommissaris 'n in paragraaf 18 bedoelde staat wat vals is, verstrek], is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R400 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met bedoelde boete sowel as bedoelde gevangenisstraf.".

Sekere bepalings van die Hoofwet nie van toepassing nie op onkoste in verband met rolprente aangegaan

28. Die bepalings van artikels 11bis en 24F van die Hoofwet is nie van toepassing nie op onkoste deur 'n belastingpligtige aangegaan in verband met enige rolprent (soos in subartikel (1) van genoemde artikel 24F omskryf) indien die belastingpligtige ten opsigte van bedoelde rolprent vir 'n subsidie betaalbaar ingevolge die A-skema soos uiteengesit in die Hoof: Rolprentbedryf se Omsendskrywe N101/3/1 gedateer 15 Mei 1989 in aanmerking gekom het.

Leningsheffing op maatskappye

45 29. (1) In hierdie artikel, tensy uit die samehang anders blyk, dra 'n woord of uitdrukking waaraan 'n betekenis in die Hoofwet toegeskryf word die betekenis aldus daarvan toegeskryf en beteken "laaste aanslag", met betrekking tot 'n maatskappy, die laaste aanslag vir normale belasting betaalbaar deur bedoelde maatskappy ten opsigte van sy laaste jaar van aanslag, wat nie later nie as 15 Julie 50 1989 deur die Kommissaris uitgereik is en aan die maatskappy gepos is.

- (2) Behoudens die bepalings van subartikel (4), word daar ten bate van die Staatsinkomstefonds 'n heffing (in hierdie artikel die leningsheffing genoem) betaal deur elke maatskappy wat aanspreeklik geword het vir die betaling van normale belasting ingevolge sy laaste aanslag, bereken soos bepaal in subartikel (3).

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(3) The loan levy shall be calculated at the rate of 10 per cent of every completed amount of R1 000 of normal tax payable by a company in terms of its latest assessment, but excluding—

- (a) so much of any such normal tax as was imposed by way of a surcharge; and
- (b) any additional tax imposed under section 76 of the principal Act:

Provided that the loan levy shall not be payable by any company if the amount thereof for which such company is liable is less than R5 000.

(4) Where the Commissioner is satisfied that the normal tax payable in terms of the latest assessment of any company is in consequence of an error in such assessment greater than the normal tax properly payable by the company in respect of the relevant year of assessment, or where any company has lodged objection or appeal against its latest assessment and the Commissioner is satisfied that the company has a reasonable prospect of succeeding with such objection or appeal, the Commissioner may direct that the loan levy payable by such company be calculated on the amount which the Commissioner determines to be the normal tax for which such company is liable in respect of such year or will be liable should such objection or appeal succeed.

(5) There shall be exempt from the payment of the loan levy any company the winding up or liquidation whereof has commenced not later than 31 July 1989: Provided that if at any time after the end of the period of 12 months reckoned from the commencement of the winding up or liquidation the steps necessary for the winding up or liquidation have not actively been taken, the Commissioner, having regard to the circumstances of the case, may notify the company that the exemption under this subsection is withdrawn and in such case the exemption shall for the purposes of this section be deemed to have been withdrawn with effect from 31 July 1989.

- (6) (a) The loan levy shall be repayable not later than 31 July 1994.
- (b) Simple interest calculated six-monthly in arrear at the rate of 16 per cent per annum shall be payable on the loan levy in such manner as the Minister may determine.
- (7) (a) Every company which is liable for the payment of the loan levy shall not later than 31 July 1989 furnish to the Commissioner a declaration in such form as the Commissioner may require.
- (b) The loan levy for which any company is liable shall be calculated by that company on the declaration referred to in paragraph (a) and payment thereof shall be made not later than 31 July 1989.

(8) If any company fails to pay the loan levy for which it is liable in full on or before 31 July 1989 interest shall be paid by the company on the outstanding amount of such loan levy for the period from 1 August 1989 to the date of payment of such amount at a rate equal to the rate applicable for purposes of the principal Act under paragraph (b) of the definition of "prescribed rate" in section 1 of that Act.

(9) Where it appears to the Commissioner that the amount of loan levy due by any company has not been paid in full when required by this section the Commissioner may raise an assessment in respect of the amount due and any interest payable thereon.

(10) The loan levy and any interest thereon which is due by any company shall be a debt due to the State and shall be recoverable by the Commissioner in the manner prescribed in the principal Act for the recovery of any tax or interest due under that Act.

(11) No provision of the principal Act conferring an exemption from normal tax in respect of interest derived on the loan portion of any normal tax shall apply to the loan levy.

Withdrawal of Government Notice No. R.714 and Government Notice No. R.715 of 14 April 1989

30. Government Notices Nos. R.714 and R.715 of 14 April 1989 are hereby withdrawn with effect from 1 June 1989.

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(3) Die leningsheffing word teen die koers van 10 persent van elke voltooide bedrag van R1 000 aan normale belasting betaalbaar deur 'n maatskappy ingevolge sy laaste aanslag, bereken, maar met uitsluiting van—

- 5 (a) soveel van enige bedoelde normale belasting wat by wyse van 'n toeslag gehef is; en
- (b) enige addisionele belasting wat ingevolge artikel 76 van die Hoofwet gehef is:

Met dien verstande dat die leningsheffing nie deur enige maatskappy betaalbaar is nie, indien die bedrag daarvan waarvoor bedoelde maatskappy aanspreeklik is, 10 minder as R5 000 is.

(4) Waar die Kommissaris oortuig is dat die normale belasting betaalbaar ingevolge die laaste aanslag van 'n maatskappy as gevolg van 'n fout op bedoelde aanslag meer is as die normale belasting wat regmatiglik deur die maatskappy ten opsigte van die betrokke jaar van aanslag betaalbaar is, of waar 'n maatskappy 15 beswaar of appèl teen sy laaste aanslag aangegeteken het en die Kommissaris tevrede is dat die maatskappy 'n redelike vooruitsig het om te slaag met bedoelde beswaar of appèl, kan die Kommissaris gelas dat die leningsheffing wat deur bedoelde maatskappy betaalbaar is, bereken word op die bedrag wat die Kommissaris bepaal die normale belasting moet wees waarvoor bedoelde maatskappy aanspreeklik is ten 20 opsigte van bedoelde jaar of aanspreeklik sal wees indien bedoelde beswaar of appèl slaag.

(5) Daar word van die betaling van die leningsheffing vrygestel 'n maatskappy waarvan die likwidasié nie later nie as 31 Julie 1989 begin het: Met dien verstande dat indien te eniger tyd na die end van 'n tydperk van 12 maande gereken van die begin 25 van die likwidasié die stappe nodig vir die likwidasié nie aktief geneem is nie, die Kommissaris, met inagneming van die omstandighede van die geval, die maatskappy in kennis kan stel dat die vrystelling ingevolge hierdie paragraaf ingetrek is en in so 'n geval word die vrystelling by die toepassing van hierdie artikel geag met ingang van 31 Julie 1989 ingetrek te gewees het.

- 30 (6) (a) Die leningsheffing is terugbetaalbaar nie later nie as 31 Julie 1994.
 (b) Enkelvoudige rente wat sesmaandeliks terugwerkend teen die koers van 16 persent bereken word, is betaalbaar op die leningsheffing op die wyse wat die Minister bepaal.

- 35 (7) (a) Elke maatskappy wat vir die leningsheffing aanspreeklik is, moet nie later nie as 31 Julie 1989 'n verklaring in die vorm deur die Kommissaris vereis aan die Kommissaris verstrek.
 (b) Die leningsheffing waarvoor 'n maatskappy aanspreeklik is, moet deur daardie maatskappy bereken word op die verklaring bedoel in paragraaf (a) en die betaling daarvan moet nie later nie as 31 Julie 1989 gedoen word.

- 40 (8) Indien 'n maatskappy versuim om die leningsheffing waarvoor hy aanspreeklik is ten volle op of voor 31 Julie 1989 te betaal, word rente deur die maatskappy op die uitstaande bedrag van daardie heffing betaal vir die tydperk van 1 Augustus 1989 tot die datum van betaling van bedoelde bedrag, teen 'n koers gelyk aan die koers wat by die toepassing van die Hoofwet ingevolge paragraaf (b) van die omskrywing van 45 "voorgeskrewe koers" in artikel 1 van daardie Wet van toepassing is.

- (9) Waar dit die Kommissaris voorkom dat die bedrag van leningsheffing verskuldig deur 'n maatskappy nie ten volle betaal is wanneer dit deur hierdie artikel vereis word nie, kan die Kommissaris 'n aanslag maak ten opsigte van die verskuldigde bedrag en enige rente wat daarop betaalbaar is.

- 50 (10) Die leningsheffing en enige rente daarop wat deur 'n maatskappy verskuldig is, is 'n skuld aan die Staat en is deur die Kommissaris verhaalbaar op die wyse voorgeskryf in die Hoofwet vir die verhaal van belasting of rente wat ingevolge daardie Wet verskuldig is.

- (11) Geen bepaling van die Hoofwet wat 'n vrystelling van normale belasting verleen ten opsigte van rente verdien op die leningsgedeelte van enige normale belasting is op die leningsheffing van toepassing nie.

Intrekking van Goewermentskennisgewing No. 714 en Goewermentskennisgewing No. 715 van 14 April 1989

30. Goewermentskennisgewings Nos. R.714 en R.715 van 14 April 1989 word 60 hierby met ingang van 1 Junie 1989 ingetrek.

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31. Save in so far as is otherwise provided therein or the context otherwise indicates, the amendments effected to the principal Act by this Act shall, for the purposes of assessments in respect of normal tax and undistributed profits tax under the principal Act, be deemed to have taken effect as from the commencement of 5 years of assessment ending on or after 1 January 1990.

Short title

32. This Act shall be called the Income Tax Act, 1989.

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Inwerkingtreding van sekere wysigings

31. Behalwe vir sover daarin anders bepaal word of uit die samehang anders blyk,
word die wysigings deur hierdie Wet aan die Hoofwet aangebring, vir die doeleindeste
van aanslae ten opsigte van normale belasting en belasting op onuitgekeerde winste
5 ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van
aanslag wat op of na 1 Januarie 1990 eindig.

Kort titel

32. Hierdie Wet heet die Inkomstebelastingwet, 1989.

Act No. 70, 1989**INCOME TAX ACT, 1989****SCHEDULE**

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 28 FEBRUARY 1990 AND 30 JUNE 1990, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF 12 MONTHS ENDING 31 MARCH 1990.

(Section 1 of this Act)

I. The rates of normal tax referred to in section 1 of this Act are as follows:—

- (a) In respect of the taxable income of any person other than a company, an amount of tax calculated in accordance with the tables below:**

TABLES

Taxable Income	Rates of Tax in respect of Married Persons
Where the taxable income— does not exceed R12 000.....	14 per cent of each R1 of the taxable income;
.....exceeds R12 000 but does not exceed R13 000	R1 680 plus 15 per cent of the amount by which the taxable income exceeds R12 000;
....., R13 000 „ „ „ „ R14 000,	R1 830 plus 17 per cent of the amount by which the taxable income exceeds R13 000;
....., R14 000 „ „ „ „ R15 000	R2 000 plus 19 per cent of the amount by which the taxable income exceeds R14 000;
....., R15 000 „ „ „ „ R16 000	R2 190 plus 21 per cent of the amount by which the taxable income exceeds R15 000;
....., R16 000 „ „ „ „ R18 000	R2 400 plus 23 per cent of the amount by which the taxable income exceeds R16 000;
....., R18 000 „ „ „ „ R20 000	R2 860 plus 25 per cent of the amount by which the taxable income exceeds R18 000;
....., R20 000 „ „ „ „ R22 000	R3 360 plus 27 per cent of the amount by which the taxable income exceeds R20 000;
....., R22 000 „ „ „ „ R24 000	R3 900 plus 29 per cent of the amount by which the taxable income exceeds R22 000;
....., R24 000 „ „ „ „ R26 000	R4 480 plus 31 per cent of the amount by which the taxable income exceeds R24 000;
....., R26 000 „ „ „ „ R28 000	R5 100 plus 33 per cent of the amount by which the taxable income exceeds R26 000;
....., R28 000 „ „ „ „ R30 000	R5 760 plus 35 per cent of the amount by which the taxable income exceeds R28 000;
....., R30 000 „ „ „ „ R35 000	R6 460 plus 37 per cent of the amount by which the taxable income exceeds R30 000;
....., R35 000 „ „ „ „ R40 000	R8 310 plus 39 per cent of the amount by which the taxable income exceeds R35 000;
....., R40 000 „ „ „ „ R50 000	R10 260 plus 41 per cent of the amount by which the taxable income exceeds R40 000;
....., R50 000 „ „ „ „ R60 000	R14 360 plus 42 per cent of the amount by which the taxable income exceeds R50 000;
....., R60 000 „ „ „ „ R70 000	R18 560 plus 43 per cent of the amount by which the taxable income exceeds R60 000;
....., R70 000 „ „ „ „ R80 000	R22 860 plus 44 per cent of the amount by which the taxable income exceeds R70 000;
....., R80 000	R27 260 plus 45 per cent of the amount by which the taxable income exceeds R80 000;

Taxable Income	Rates of Tax in respect of Persons who are not Married Persons
Where the taxable income— does not exceed R10 000	14 per cent of each R1 of the taxable income;
.....exceeds R10 000 but does not exceed R11 000	R1 400 plus 15 per cent of the amount by which the taxable income exceeds R10 000;
....., R11 000 „ „ „ „ R12 000	R1 550 plus 17 per cent of the amount by which the taxable income exceeds R11 000;
....., R12 000 „ „ „ „ R13 000	R1 720 plus 19 per cent of the amount by which the taxable income exceeds R12 000;
....., R13 000 „ „ „ „ R14 000	R1 910 plus 21 per cent of the amount by which the taxable income exceeds R13 000;
....., R14 000 „ „ „ „ R15 000	R2 120 plus 23 per cent of the amount by which the taxable income exceeds R14 000;
....., R15 000 „ „ „ „ R16 000	R2 350 plus 25 per cent of the amount by which the taxable income exceeds R15 000;
....., R16 000 „ „ „ „ R18 000	R2 600 plus 27 per cent of the amount by which the taxable income exceeds R16 000;
....., R18 000 „ „ „ „ R20 000	R3 140 plus 29 per cent of the amount by which the taxable income exceeds R18 000;
....., R20 000 „ „ „ „ R22 000	R3 720 plus 31 per cent of the amount by which the taxable income exceeds R20 000;

INKOMSTEBELASTINGWET 1989

Wet No. 70, 1989

BYLAE

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPYE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 28 FEBRUARIE 1990 EN 30 JUNIE 1990, EN DEUR MAATSKAPPYE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN 12 MAANDE EINDIGENDE OP 31 MAART 1990.

(Artikel 1 van hierdie Wet)

1. Die skale van normale belasting bedoel in artikel 1 van hierdie Wet is soos volg:
- (a) Ten opsigte van die belasbare inkomste van 'n ander persoon as 'n maatskappy, 'n bedrag van belasting wat ooreenkomsdig die tabelle hieronder bereken word:

TABELLE

Belasbare Inkomste	Skale van Belasting ten opsigte van Getroude Persone
Waar die belasbare inkomste—	
R12 000 nie te bowe gaan nie	14 percent van elke R1 van die belasbare inkomste;
12 000 te bowe gaan, maar nie R13 000 nie	R1 680 plus 15 percent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R13 000 „ „ „ „ „ R14 000 „	R1 830 plus 17 percent van die bedrag waarmee die belasbare inkomste R13 000 oorskry;
R14 000 „ „ „ „ „ R15 000 „	R2 000 plus 19 percent van die bedrag waarmee die belasbare inkomste R14 000 oorskry;
R15 000 „ „ „ „ „ R16 000 „	R2 190 plus 21 percent van die bedrag waarmee die belasbare inkomste R15 000 oorskry;
R16 000 „ „ „ „ „ R18 000 „	R2 400 plus 23 percent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R18 000 „ „ „ „ „ R20 000 „	R2 860 plus 25 percent van die bedrag waarmee die belasbare inkomste R18 000 oorskry;
R20 000 „ „ „ „ „ R22 000 „	R3 360 plus 27 percent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R22 000 „ „ „ „ „ R24 000 „	R3 900 plus 29 percent van die bedrag waarmee die belasbare inkomste R22 000 oorskry;
R24 000 „ „ „ „ „ R26 000 „	R4 480 plus 31 percent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R26 000 „ „ „ „ „ R28 000 „	R5 100 plus 33 percent van die bedrag waarmee die belasbare inkomste R26 000 oorskry;
R28 000 „ „ „ „ „ R30 000 „	R5 760 plus 35 percent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R30 000 „ „ „ „ „ R35 000 „	R6 460 plus 37 percent van die bedrag waarmee die belasbare inkomste R30 000 oorskry;
R35 000 „ „ „ „ „ R40 000 „	R8 310 plus 39 percent van die bedrag waarmee die belasbare inkomste R35 000 oorskry;
R40 000 „ „ „ „ „ R50 000 „	R10 260 plus 41 percent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;
R50 000 „ „ „ „ „ R60 000 „	R14 360 plus 42 percent van die bedrag waarmee die belasbare inkomste R50 000 oorskry;
R60 000 „ „ „ „ „ R70 000 „	R18 560 plus 43 percent van die bedrag waarmee die belasbare inkomste R60 000 oorskry;
R70 000 „ „ „ „ „ R80 000 „	R22 860 plus 44 percent van die bedrag waarmee die belasbare inkomste R70 000 oorskry;
R80 000 te bowe gaan	R27 260 plus 45 percent van die bedrag waarmee die belasbare inkomste R80 000 oorskry;
Belasbare Inkomste	Skale van Belasting ten opsigte van Persone wat nie Getroude Persone is nie
Waar die belasbare inkomste—	
R10 000 nie te bowe gaan nie	14 percent van elke R1 van die belasbare inkomste;
10 000 te bowe gaan, maar nie R11 000 nie	R1 400 plus 15 percent van die bedrag waarmee die belasbare inkomste R10 000 oorskry;
R11 000 „ „ „ „ „ R12 000 „	R1 550 plus 17 percent van die bedrag waarmee die belasbare inkomste R11 000 oorskry;
R12 000 „ „ „ „ „ R13 000 „	R1 720 plus 19 percent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R13 000 „ „ „ „ „ R14 000 „	R1 910 plus 21 percent van die bedrag waarmee die belasbare inkomste R13 000 oorskry;
R14 000 „ „ „ „ „ R15 000 „	R2 120 plus 23 percent van die bedrag waarmee die belasbare inkomste R14 000 oorskry;
R15 000 „ „ „ „ „ R16 000 „	R2 350 plus 25 percent van die bedrag waarmee die belasbare inkomste R15 000 oorskry;
R16 000 „ „ „ „ „ R18 000 „	R2 600 plus 27 percent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R18 000 „ „ „ „ „ R20 000 „	R3 140 plus 29 percent van die bedrag waarmee die belasbare inkomste R18 000 oorskry;
R20 000 „ „ „ „ „ R22 000 „	R3 720 plus 31 percent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;

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Taxable Income	Rates of Tax in respect of Persons who are not Married Persons
Where the taxable income —	
exceeds R22 000 but does not exceed R24 000	R4 340 plus 33 per cent of the amount by which the taxable income exceeds R22 000;
,, R24 000 „ „ „ „ R26 000	R5 000 plus 35 per cent of the amount by which the taxable income exceeds R24 000;
,, R26 000 „ „ „ „ R28 000	R5 700 plus 37 per cent of the amount by which the taxable income exceeds R26 000;
,, R28 000 „ „ „ „ R30 000	R6 440 plus 39 per cent of the amount by which the taxable income exceeds R28 000;
,, R30 000 „ „ „ „ R36 000	R7 220 plus 41 per cent of the amount by which the taxable income exceeds R30 000;
,, R36 000 „ „ „ „ R42 000	R9 680 plus 42 per cent of the amount by which the taxable income exceeds R36 000;
,, R42 000 „ „ „ „ R48 000	R12 200 plus 43 per cent of the amount by which the taxable income exceeds R42 000;
,, R48 000 „ „ „ „ R54 000	R14 780 plus 44 per cent of the amount by which the taxable income exceeds R48 000;
,, R54 000	R17 420 plus 45 per cent of the amount by which the taxable income exceeds R54 000;

Taxable Income	Rates of Tax in respect of Married Women
Where the taxable income —	
does not exceed R20 000	25 per cent of each R1 of the taxable income;
exceeds R20 000 but does not exceed R24 000	R5 000 plus 28 per cent of the amount by which the taxable income exceeds R20 000;
,, R24 000 „ „ „ „ R28 000	R6 120 plus 30 per cent of the amount by which the taxable income exceeds R24 000;
,, R28 000 „ „ „ „ R32 000	R7 320 plus 32 per cent of the amount by which the taxable income exceeds R28 000;
,, R32 000 „ „ „ „ R36 000	R8 600 plus 34 per cent of the amount by which the taxable income exceeds R32 000;
,, R36 000 „ „ „ „ R40 000	R9 960 plus 36 per cent of the amount by which the taxable income exceeds R36 000;
,, R40 000	R11 400 plus 38 per cent of the amount by which the taxable income exceeds R40 000;

- (b) on each rand of the taxable income of any company (excluding taxable income derived from mining operations and taxable income referred to in subparagraphs (e) and (g)), 50 cents;
- (c) on each rand of the taxable income derived by any company from mining for gold otherwise than on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act), a percentage determined in accordance with the formula:

$$y = 73 - \frac{428}{x}$$

in which formula y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) bears to the income so derived (with the said exclusion);

- (d) on each rand of the taxable income derived by any company from mining for gold on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act), a percentage determined in accordance with the formula:

$$y = 73 - \frac{558}{x}$$

in which formula y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) bears to the income so derived (with the said exclusion);

- (e) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act, a rate equal to the average rate of normal tax or 35 cents, whichever is higher: Provided that for the purposes of this subparagraph, the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with this subparagraph for the period assessed) paid by the company in respect of its aggregate taxable income from gold mining for the period from 1 July 1916 to the end of the period assessed, by the number of rands contained in the said aggregate taxable income;
- (f) on each rand of the taxable income derived by any company from mining operations (other than mining for gold), 50 cents: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to 12 per cent of such amount; and

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Belasbare Inkomste	Skale van Belasting ten opsigte van Persone wat nie Getroude Persone is nie
Waar die belasbare inkomste—	
R22 000 te bowe gaan, maar nie R24 000 nie	R4 340 plus 33 persent van die bedrag waarmee die belasbare inkomste R22 000 oorskry;
R24 000 „ „ „ „ „ R26 000 „ „	R5 000 plus 35 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R26 000 „ „ „ „ „ R28 000 „ „	R5 700 plus 37 persent van die bedrag waarmee die belasbare inkomste R26 000 oorskry;
R28 000 „ „ „ „ „ R30 000 „ „	R6 440 plus 39 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R30 000 „ „ „ „ „ R36 000 „ „	R7 220 plus 41 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry;
R36 000 „ „ „ „ „ R42 000 „ „	R9 680 plus 42 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry;
R42 000 „ „ „ „ „ R48 000 „ „	R12 200 plus 43 persent van die bedrag waarmee die belasbare inkomste R42 000 oorskry;
R48 000 „ „ „ „ „ R54 000 „ „	R14 780 plus 44 persent van die bedrag waarmee die belasbare inkomste R48 000 oorskry;
R54 000 te bowe gaan.....	R17 420 plus 45 persent van die bedrag waarmee die belasbare inkomste R54 000 oorskry;

Belasbare Inkomste	Skale van Belasting ten opsigte van Getroude Vroue
Waar die belasbare inkomste —	
R20 000 nie te bowe gaan nie	25 persent van elke R1 van die belasbare inkomste;
R20 000 te bowe gaan, maar nie R24 000 nie	R5 000 plus 28 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R24 000 „ „ „ „ „ R28 000 „ „	R6 120 plus 30 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R28 000 „ „ „ „ „ R32 000 „ „	R7 320 plus 32 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R32 000 „ „ „ „ „ R36 000 „ „	R8 600 plus 34 persent van die bedrag waarmee die belasbare inkomste R32 000 oorskry;
R36 000 „ „ „ „ „ R40 000 „ „	R9 960 plus 36 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry;
R40 000 te bowe gaan	R11 400 plus 38 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;

- (b) op elke rand van die belasbare inkomste van 'n maatskappy (met uitsondering van belasbare inkomste uit mynwerksaamhede verkry en belasbare inkomste in subparagrawe (e) en (g) bedoel), 50 sent;
- (c) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van goud op 'n ander wyse as op 'n na-1966-goudmyn verkry word (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkomsdig die formule:

$$y = 73 - \frac{428}{x}$$

in welke formule y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreë belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkreë inkomste (met genoemde uitsluiting);

- (d) op elke rand van die belasbare inkomste wat verkry word deur 'n maatskappy uit die myn van goud op 'n na-1966-goudmyn (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkomsdig die formule:

$$y = 73 - \frac{558}{x}$$

in welke formule y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreë belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkreë inkomste (met genoemde uitsluiting);

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en waarvan die vasstelling van die belasbare inkomste vir die tydperk van aanslag nie op 'n vasgestelde periode uitloop nie, wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of 35 sent, watter ook al die hoogste is: Met dien verstande dat vir die doeleindes van hierdie subparagraaf die gemiddelde skaal van normale belasting vasgestel word deur die totale normale belasting (met uitsondering van die belasting wat vir die tydperk van aanslag ooreenkomsdig hierdie subparagraaf vasgestel is) wat deur die maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk vanaf 1 Julie 1916 tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal rande wat genoemde totale belasbare inkomste bevat;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy verkry word uit mynwerksaamhede (behalwe die myn van goud), 50 sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 12 persent van bedoelde bedrag; en

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(g) on each rand of the taxable income derived by any company from the carrying on of long-term insurance business, 45 cents.

2. (1) For the purposes of paragraph 1 income derived from mining for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of mining for gold, and any income which, in the opinion of the Commissioner, results directly from mining for gold.

(2) The tax payable in accordance with any of the subparagraphs of paragraph 1 shall be payable in addition to the tax determined in accordance with any other of the said subparagraphs.

3. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the principal Act, bears the meaning so assigned thereto.

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(g) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die bedryf van langtermynversekeringsbesigheid verkry word, 45 sent.

2. (1) By die toepassing van paragraaf 1 sluit inkomste uit die myn van goud verkry ook inkomste in wat verkry is van silwer, osmiridium, uraan, pirit of ander minerale wat in die loop van die myn van goud gewin word, en enige ander inkomste wat volgens die oordeel van die Kommissaris regstreeks uit die myn van goud voortvloeи.

(2) Die belasting ooreenkomstig enige van die subparagrawe van paragraaf 1 vasgestel, is betaalbaar benewens die belasting ooreenkomstig enige ander van genoemde subparagrawe vasgestel.

3. In hierdie Bylae, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan daar in die Hoofwet 'n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

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